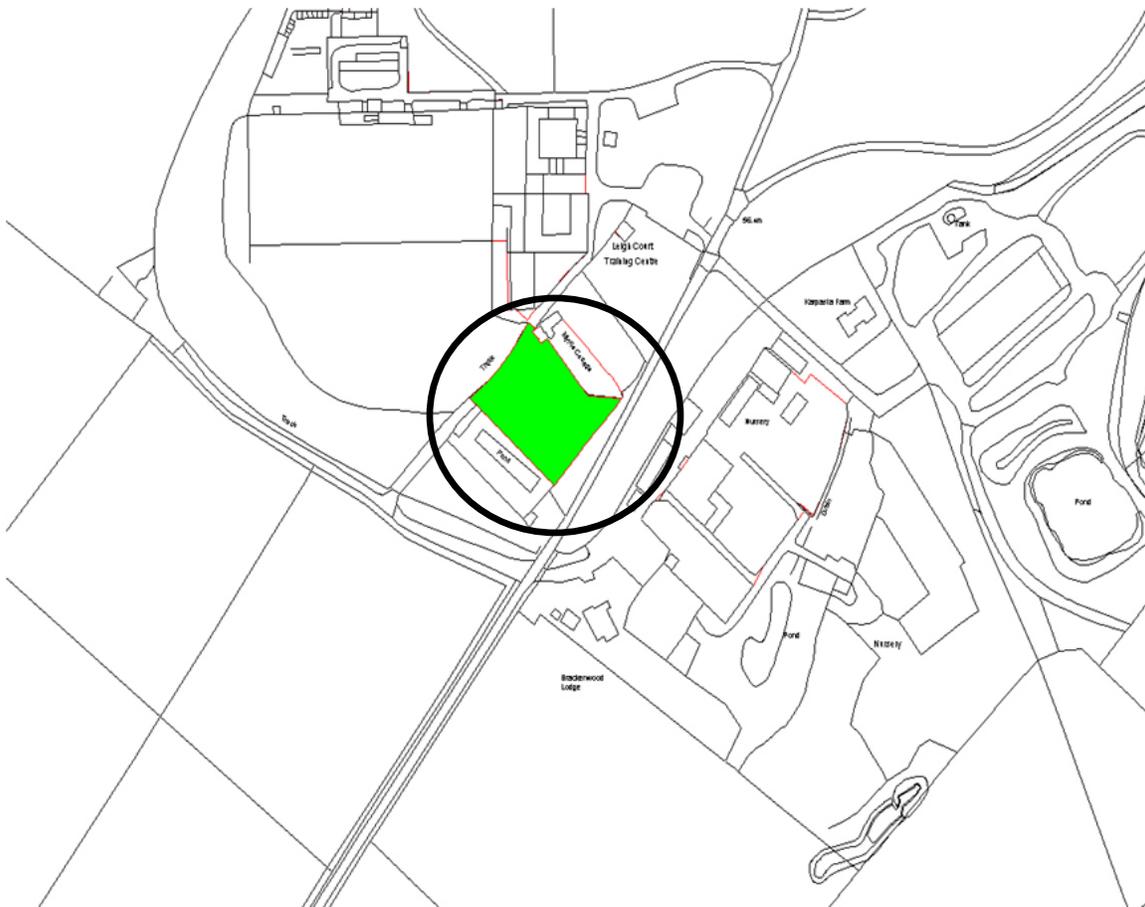


Planning and Regulatory Committee 9.11.16

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APPLICATION NO: 16/P/1538/F	CASE OFFICER: Sam Watson
APPLICANT: Freeways Trust	Extended expiry date: 30 September 2016
PARISH/WARD: Abbots Leigh/Pill WARD COUNCILLOR(S): Cllr D Davies	TARGET DATE: 15 August 2016
SITE ADDRESS: The Orchard, 252 Pill Road, Abbots Leigh, BS8 3RA	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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14. **Section 2: 16/P/1538/F Demolition of existing bungalow (C3 use). Construction of new single storey building containing 4no. supported accommodations flats (C2 use) with associated landscaping and car parking at The Orchard, 252 Pill Road, Abbots Leigh, BS8 3RA**

REFERRED BY COUNCILLOR DONALD DAVIES

Summary of recommendation

It is recommended that the application be **REFUSED**. The full recommendation is set out at the end of this report.

The Site

The site is located on the north-western side of the access road leading to Leigh Court. It is bounded by a natural stone wall and trees on the south-eastern (roadside) boundary. There is a linear pond and trees alongside the south-western boundary and trees on the north-western boundary with a rear access lane beyond. Adjacent to the south-western corner of the site is an 18th century castellated gazebo.

The site is predominantly level and laid to lawn with a number of trees and is approximately 0.3ha. A 1960s style bungalow is located at the north-eastern boundary of the site.

The Application

This is a full application proposing to demolish the existing bungalow and erect a single storey care home with four one-bedroom flats for supported accommodation:

- The proposed building has an approx. square footprint and measures approximately 17m wide x 20.5m deep x 4.7m tall.
- The proposed accommodation includes one self-contained unit for a staff member which includes a bathroom and small kitchen, 4 self-contained flats for supported living each with bedroom, bathroom, living room and kitchen. Between these flats is a communal area.
- The building would use bath stone ashlar blocks and wooden cladding with slate roofing tiles.
- Four trees are proposed to be removed with others being retained and protected during the works.
- 5 parking spaces are proposed to the north-east of the entrance to the building.

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- The driveway and access will be retained as existing with the reopening of the access to the lane at the back of the site, which connects to the main Freeways site.

Relevant Planning History

Year	Reference	Proposal	Decision
2010	09/P/0842/F	Change of use from manager's residence in association with education/day care centre to a residential 15 bed care home for adults with early onset dementia to include the erection of a single storey building following demolition of bungalow.	Withdrawn

Policy Framework

The site is affected by the following constraints:

- Outside of a Settlement Boundary
- Within Green Belt
- TPOs within site boundary (TPO 678)
- Within a Grade II registered park and garden
- Within the setting of a Grade II and II* Listed Buildings

The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS6	North Somerset's Green Belt
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS26	Supporting healthy living and the provision of health care facilities
CS33	Smaller settlements and countryside

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* Core Strategy - High Court Challenge

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination of the other remitted policies has taken place and the Inspector's Report is expected shortly.

North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)

None of the saved policies are particularly relevant to this proposal:

The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM3	Conservation Areas
DM4	Listed Buildings
DM5	Historic Parks and Gardens
DM6	Archaeology
DM7	Non-designated heritage assets
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM12	Development within the Green Belt
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM40	Retirement accommodation and supported independent living for older and vulnerable people
DM42	Accessible and adaptable housing and housing space standards
DM55	Extensions, ancillary buildings or the intensification of use for existing businesses located in the countryside

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Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
4	Promoting sustainable transport
7	Requiring good design
8	Promoting healthy communities
9	Protecting Green Belt Land
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: Two letters of objection have been received. The principal planning points made are as follows:

- There would be an increase in traffic at the crossroads with Dennyview, and Pill Road as well as down the lane towards Leigh Court. This would also affect safety.
- The proposed development is approximately 5 times bigger than the present bungalow footprint.
- The proposal is for the change of use in the Green Belt.
- There will be an increase in noise levels.
- It would be necessary for the site to be secure and it would therefore require 'substantial walls and fencing' to prevent the residents from getting on to the lane or the A369. The current boundary is not sufficient for this.
- The proposal would lead to Myrtle Cottage being surrounded by Freeways Trust.
- The proposed parking area would cause noise and disturbance

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- The proposed building would face Myrtle Cottage and would encourage a communal area in this space. It is recommended that they rotate the property by 90 degrees anti-clockwise.

Abbots Leigh Parish Council:

“The Parish Council appreciates the important work being done by Freeways, welcomes the provision of residential care for special needs and on balance supports the application, provided that the description of the care to be provided has been received and included in the approval documentation and that any permission has a condition attached to ensure that the property cannot be separately sold off from the Freeways or any successor’s operation.” – see Appendix 1 for full comments.

Other Comments Received:

Historic England:

Does not consider it to be necessary to comment on this application.

Avon Gardens Trust

A significant site with archaeological importance. The area is characterised by agricultural land and woodland. The proposal does not have due regard to the impact it would have on the registered historic landscape. They therefore recommend refusing planning permission.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development in relation to Green Belt policy (2) the principle of providing care homes in the countryside, (3) impact on the Listed Building and the Registered Park and Garden, (4) Landscape Impact, (5) Living conditions of neighbours, (6) Impact on highway safety, (7) archaeology and, (8) biodiversity.

Issue 1: The principle of development in relation to Green Belt policy

Policy DM12 of the North Somerset Sites and Policies Plan (part 1) states that development in the Green Belt is inappropriate unless it is:

- an extension, alteration or replacement of an existing building that is no larger than 50% of the original building as it existed on 26 July 1985;
- Development within a settlement boundary within the Green Belt.
- The redevelopment of previously developed sites within the Green Belt and outside of settlement boundaries

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- Material change of use where the openness of the Green Belt is maintained.

This proposal is considered to be the complete redevelopment of a previously developed site, this section of the policy follows the NPPF and requires that:

- The proposal should not extend beyond the footprint of the existing building unless it would have a lesser or equal impact on the Green Belt;
- There should be environmental improvements on rundown or derelict sites;
- Be sustainable in terms of being well related to existing settlements, and having safe and convenient pedestrian and cycle access to services, and a bus or rail service.

The proposal is set away from the site boundaries and in a more central location within the site. The proposed building is shorter than the existing bungalow but is much wider. This results in an approximate 221% increase in floor space over and above the floor size of the existing bungalow. This is significantly larger than the 50% accepted elsewhere within policy DM12 and also causes the proposal to extend beyond the footprint of the existing building. While the proposal is still a single storey and is shorter than the existing bungalow, it is considered that this would not sufficiently reduce the impact on the Green Belt to be lesser than or equal to the existing impact.

The Justification Report states that the site is rundown and has reached the end of its life span. However, the dwelling appears to be in a usable condition and in good repair. The bungalow is also still in use as a residential dwelling and the garden area is well kept. It is therefore not considered that the site is rundown. However, the replacement building would be “sustainable, highly thermally efficient and of architectural merit”. Whilst the architectural merit is not of any significant weight for development in the green belt the improvement in efficiency would support environmental improvements through the reduction of energy usage.

A need was found by the council’s Communities and Peoples team for this proposal. While this need goes some way to support a ‘very special circumstance’ for inappropriate development in the Green Belt no evidence has been submitted demonstrating that the proposal could not be placed within a rural location outside of the Green Belt. While the benefits of siting the accommodation near the existing Freeways building have been demonstrated

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this could apply to any existing facility in the Green Belt and does not amount to 'very special circumstances'.

In conclusion, it is considered that the applicant has not been able to demonstrate that very special circumstances exist that would justify approval of this development as an exception to the Green Belt policy.

This building is significantly larger than the existing bungalow and would have a significant impact on the openness of the Green Belt. Therefore in addition to the intrinsic harm caused by allowing inappropriate development there would be actual harm to the openness of the Green Belt caused by the size and prominent position of the proposed building.

For the above reasons, the proposals are contrary to policy DM12 and to the NPPF.

Issue 2: The principle of providing care homes in the countryside

Policy DM40 of the North Somerset Sites and Policies Plan (part 1) permits homes for supported independent living for vulnerable people provided that, amongst other things; it is located with the settlement boundary and facilities such as shops and medical services can be reached without access to a car.

The proposal is set within the open countryside and within the Green Belt. Surrounding the proposal site is a residential property, a training centre (Freeways Trust), a nursery and Leigh Court.

The application includes no evidence to demonstrate that no suitable alternative site exists within a settlement boundary. Instead, the justification report states that the proposal would not affect the rural setting of the site and that the proposal would be of a high quality design. The report goes on to justify the isolated location as the residents would require a high level of support and would be unable to, or avoid going, shopping themselves. The report also states that there is a bus connection to Pill which has facilities such as a surgery and shops.

The site is in an isolated location within the historic gardens of Leigh Court where there is also a training facility and a garden centre. There is a bus route at the end of the lane on Pill Road which can be reached by pedestrians along a footpath. There are further paths and routes through the Leigh Court estate and Leigh Woods, although these do not lead to any services or amenities. While it is in close proximity to Abbots Leigh and Pill it is only possible to walk to Abbots Leigh which only has a public house and a church. It would be necessary to either drive or take a bus to Pill. The proposal is therefore not sustainable in the

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above sense as the proposal is not well related to existing settlements and it would be necessary to drive or take public transport to the nearest facilities.

The council's People and Communities team have investigated the proposal and the viability of the type of care being provided at this isolated location. They have found a need for such accommodation to be provided and that there would be a sufficient number of individuals who would need this type of care to make the use viable using North Somerset clients only. However, to protect this they would also request that a condition is attached requiring a preference for North Somerset users over the surrounding areas.

The applicants state that the proposal "meets the needs of people with very special needs who do not currently live in accommodation that suits their requirements and whose requirements cannot be met by current housing stock in the county", and that the location, adjacent to The Freeways Trust, would be beneficial as the specific clients require a rural location and the Freeways centre would be able to provide facilities such as a hydrotherapy pool. However, while this is beneficial it is not considered to be an exceptional case or to outweigh policy DM40 which requires such proposals to be within settlement boundaries and not isolated.

Issue 3: Impact on the Listed Building and the Registered Park and Garden

The site lies within the grounds of Leigh Court, a Grade II* listed building and the adjoining stable block, which is Grade II listed. The grounds themselves are registered Grade II on Historic England's Register of Parks and Gardens of special historic interest. These designations are in recognition of their national significance due to their architectural or historic interest.

Policy DM4 requires any development that affects a listed building or its setting to preserve and where appropriate enhance the character, appearance and special interest of the affected building and its setting. Where possible opportunities to repair harm caused by past unsympathetic alterations and additions will also be taken.

Policy DM5 states that any development will be expected to conserve the design, character, appearance and settings of the registered parks and gardens. Specifically features which form an integral part of the special character or appearance of the park or garden are expected to be safeguarded.

Historic England have not deemed it necessary to comment on this application in regards to the affect the proposal would have on the setting of the Grade II* listed building, Leigh Court and the council's conservation officer considers the large amount of woodland between the proposal and Leigh Court to be sufficient to prevent any adverse effect on the court.

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The Avon Gardens Trust objects to the proposal on the grounds that it would harm the registered park, stating that “the application has been brought forward without due regard to its potential to impact on the historic landscape”, they go on to say that the proposal “at Leigh Court would be a substantial new development which would affect the registered landscape”.

Taking these comments into account, it is considered that the proposal would have a harmful effect on the setting of the park with the area affected being specifically sensitive “due to the remaining heritage assets from the historic Tudor designed gardens”. The gardens have been harmed to some extent already through development but should not be compromised further as the site is part of a heritage asset which, “according to policy DM5 the council should be safeguarding...and where development is proposed it should be expected to conserve the design, character appearance and setting”. Although the design of the building is fairly sensitive to the back drop of the wooded area it is considered to be overly large both in bulk and height and could result in more loss of evidence to the historic Tudor designed garden within this site.

For the reasons outlined above it is considered that the erection of a large single-storey building in this location will have an adverse impact on the registered park and garden and that the proposals are therefore contrary to advice contained in the PPG and to policy DM5 of the North Somerset Sites and Policies Plan (Part 1).

Issue 4: Landscape Impact

Policy DM10 of the North Somerset Sites and Policies Plan (Part 1) requires that proposals should not adversely affect the designated landscape character as set out in The North Somerset Landscape Character Assessment. The Character Assessment for this site describes the landscape character as ‘strong’ and the landscape condition of the area as ‘good’, with well-maintained woodland, pasture and parkland. The landscape strategy for the area is therefore to ‘conserve’ this rural, peaceful area.

Although the proposed building is single storey it has a much larger footprint than the existing building and therefore impacts more significantly on the character of the landscape.

Whilst the landscape proposals would not affect the surviving historic landscape features of this part of the park and garden, notably the pond, gazebo and terrace, the visual impact of the new supported living building considerably outweighs these benefits, and will impact significantly upon the approach to Leigh Court. This scheme does not fit in with the picturesque approach to Leigh court. Whilst it is accepted that there are many detractors in the present

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landscape there is no overriding case for further harm that would result from a proliferation of structures and ancillary features such as parking areas alongside this principle drive. The proposal would therefore not conserve this rural peaceful area and is contrary to policy DM10.

Issue 5: Living conditions of neighbours

Policy CS3 of the Core Strategy requires that development that would result environmental pollution or harm to amenity will only be permitted if the potential adverse effects could be mitigated to an acceptable level by control regimes, measures included in the proposal or planning conditions. Noise is an example of such environmental pollution. Policy DM32 requires, amongst other things, that the living conditions of neighbours should not be prejudiced by proposals.

As part of the proposal it is understood that the accommodation would be used for individuals who “may struggle to live in built up areas due to noise issues or complex needs which require substantial outside space”.

The proposed parking area is positioned in a similar location to the existing and the driveway and access has not been changed. While there would be a maximum of 5 cars parked at the site this is considered to not materially affect the level of noise caused by the maneuvering and parking of vehicles.

The orientation of the building and its front doors would not cause a significant increase in noise to the neighbouring property and is not substantially closer than the other areas of the surrounding gardens. It is considered that the area would not encourage a communal area and that any noise produced from this area would not be greater than from elsewhere on the site.

If permission was secured conditions should be attached requiring that a management scheme is submitted that shows how noise would be minimized from the property and from residents. Subject to a suitable scheme being submitted the proposal would comply with CS3 and DM32.

Issue 6: Impact on Highway Safety

Policy DM24 requires that proposals do not prejudice highway safety and DM28 sets out parking standards.

The existing vehicular access arrangements are satisfactory and the number of parking spaces is acceptable given the nature of the proposal. While there would be an increase in trips generated by the site the additional traffic is unlikely to have a detrimental impact on the local traffic volumes. It is further considered that this would not impact safety.

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Issue 7: Archaeology

Policy DM6 states that archaeological interests shall be fully taken in to account when determining a planning application and that it is preferable that archaeological remains are preserved 'in situ' and that proposals may need to be altered to protect the remains.

Following archaeological survey work and assessments related to an earlier application in 2008 and 2009 and the updated assessment provided with this application the proposal is unlikely to affect evidence of the Tudor garden. However, there is a potential for prehistoric finds and any archaeological evidence uncovered during any development would need to be recorded appropriately. It would be sufficient in this instance that a condition for an archaeological watching brief be attached with any approval.

Issue 8: Biodiversity

Policy DM9 resists proposals that will have a significant impact on trees and tree cover and policy DM8 states that development that will harm protected species will not be permitted unless the harm could be avoided or mitigated by using planning conditions or obligations.

The applicants have submitted the results of an extended phase one habitat survey and a bat activity survey. Little evidence of protected species was found within the application site, although the adjoining pond is likely to contain Great Crested Newts. The reports also refer to use of the site and adjoining areas by bats and recommends that any outdoor lighting schemes should not increase light pollution which would affect flight paths and foraging.

There would be a loss of some trees resulting from this proposal, however, these are not within the area of Tree Preservation Order. Protective fencing is proposed to surround the retained trees to the north of the site and to the south east and west. The car parking area would encroach in to the root protection area of the protected Yew Tree to the north. However, the arboricultural report considers that the extent of this would not harm the tree and that only approximately 9% of the root protection area would be affected. Both the house and the proposed path to the rear of the building would not affect any root protection areas.

Although there would be the loss of a number of trees with this proposal it is considered that they are not of significant amenity value and they are not protected by Tree Preservation Orders. The retained trees would be sufficiently protected throughout the works with the use of Root Protection Areas and Heras fencing. Measures to protect the biodiversity of the site have also been

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considered and it is unlikely to harm bats or any other protected species. The proposals therefore comply with policies DM8 and DM9

Issue 9: Other matters

Other matters have been raised by consultees including that if the proposal was permitted it would cause Myrtle Cottage to be surrounded by the Freeways Trust. This is considered to not carry significant material weight in the consideration of this proposal and that the effect of Freeways surrounding Myrtle Cottage would not be significant. A further concern was raised regarding necessary security including fences and walls to prevent residents from getting on to the road. This is not a secure residential institution and it is not necessary for it to be enclosed with tall fences or walls.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon biodiversity.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Conclusion

The proposal constitutes inappropriate development in the Green Belt and the very special circumstances put forward by the applicant to justify granting the development as an exception to Green Belt policy are not sufficient to outweigh the harm to the Green Belt.

The site lies outside any settlement boundary, within the open countryside where policy DM40 does not permit new care homes to be sited. Sufficient support has been submitted that shows there is a need for the care home which outweighs this policy. The proposals involve the erection of a significant building adjacent to the main approach to the estate. This will harm the setting of a grade II Registered Historic Park and Garden and will harm the character of the landscape. The proposal is therefore contrary to policies DM32, DM5 and DM10.

The proposed building is unlikely to cause loss of light, loss of privacy or overbearing impact for neighbours. However, it is considered that the proximity of the site to the neighbouring residential dwelling may cause a noise impact which is contrary to policy CS3. However, a condition can be attached requiring a noise management plan to be submitted before the development is put in to use. The proposals therefore comply with policy CS3.

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The existing access and number of proposed parking spaces are considered acceptable and in accordance with policies DM24 and DM28.

Ecological and archaeological reports have been submitted and conditions would be required to cover mitigation and monitoring, respectively, in the event that approval is forthcoming, in accordance with policies DM8 and DM6.

Sufficient information has been submitted to allow for a full assessment of the impact of the proposal on the existing protected trees. The proposals will result in the loss of some unprotected trees and all retained trees will be sufficiently protected with root protection areas and barriers. No protected trees will be lost. If an approval is forthcoming it would be sufficient to condition this protection for the proposals to comply with policy DM9.

RECOMMENDATION: REFUSE for the following reasons:

1. The proposal constitutes inappropriate development in the Green Belt which, by definition and due to the scale and prominent position of the development, will be harmful to the openness of the Green Belt and conflict with the purposes of including land within it. No very special circumstances have been demonstrated that outweigh the harm caused and the proposal is therefore contrary to policy DM12 of the North Somerset Sites and Policies Plan (Part 1).
2. The proposed development, by virtue of its scale and position, would harm the historic character, appearance and importance of this grade II Registered Historic Park and Garden. The proposal is therefore contrary to the policies DM5 Of the North Somerset Sites and Policies Plan (Part 1).
3. The proposed development by virtue of its scale and position will be visually intrusive in the landscape. The proposal will therefore harm the character of the landscape and is contrary to policies DM10 of the North Somerset Sites and Policies Plan (Part 1).