OFFICER: Simon Fox (01935) 462509
APPL.NO: 07/03844/FUL APPLICATION TYPE: Full Application
PARISH: Castle Cary WARD: CARY
DESCRIPTION: Demolition of eastern wing day care centre and garage block and construction of new purpose built accommodation wing (GR 363881 / 132107)
LOCATION: Cary Brook Millbrook Gardens Castle Cary Somerset BA7 7EE
APPLICANT: Somerset Care Ltd
AGENT: Andrew Wilson Partnership 112 High Street Yatton Bristol BS49 4DH
DATE ACCEPTED: 24 August 2007

REASON FOR REFERRAL TO COMMITTEE
The Head of Service considers that a similar application was considered by Committee earlier this year that the Committee should determine this application.

SITE DESCRIPTION AND PROPOSAL:
Cary Brook is a 35 bed residential care home constructed in the 1970s. The main building consists of two two-storey wings with a separate single-storey day care centre and garage block. All buildings are constructed of reconstructed stone.

The site slopes significantly from south to north. To the north of the site are a linear group of dwellings comprising two pairs of semi-detached houses and one bungalow. To the south is the Grade II* listed All Saints Church and to the east is the Grade II listed Old Rectory. Millbrook Gardens, a group of sheltered housing is to the west from where a public footpath links across the back of the site to the Church. The site is very well treed which obscures a clear view of the building from many vantage points. The site is within the defined development area and adjoins the Conservation Area on two sides, to the east and south.

The proposal seeks the demolition of an existing accommodation wing and the erection of a larger replacement wing to increase the number of rooms to 45 from 35.
HISTORY:

07/01777/FUL: Demolition of eastern wing, day care centre and garage block, the erection of new purpose built accommodation: 20/07/2007: Application refused. This application was refused by Area East committee on the basis of the proposed relationship between the extension and adjacent properties. Despite the site possessing a number of prominent trees the proposal was also formed without an arboricultural input; this formed the second reason for refusal.

04/00745/FUL: The erection of an extension sunroom and construction of a raised terrace/patio: 20/05/2004: Application permitted with conditions.

93/00314/FUL: The erection of an extension to sitting room: 10/02/1994: Application permitted with conditions.

92/00291/FUL: Erection of an extension to form pump room and construction of a lift shaft: 21/12/1992: Application permitted with conditions


63886/C/1: Detailed proposals for old peoples home: Application permitted with conditions.


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 decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

Regional Spatial Strategy
Vis1 - Expressing the Vision
Vis2 - Principles for Future Development
EN3 - Historic Environment
EN4 - Quality in the Built Environment

Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000)
STR1 - Sustainable Development
STR3 - Rural Centres and Villages
STR5 - Development in Rural Centres and Villages
Policy 9 - The Built Historic Environment
Policy 11 - Areas of High Archaeological Potential
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)
ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character
EH1 - Conservation Area
CONSULTATIONS:

Town Council –

"Observations:

Mr P Hacker spoke in opposition to the application on the basis that:

1. The building would dominate his property and was too close.
2. Although the overlooking windows had been removed from the end wall this made the dominance of the building worse.
3. A better design could have been used to orientate the new building into a less dominating position.

The committee discussed the application at some length and considered that the changes proposed from the original application reflected the concerns of the Town Council and neighbours.

Decision: APPLICATION SUPPORTED. It was noted that the 3 storey end wall would be considerably improved in appearance by using different colours and/or finishes to break up its imposing nature".

Highways - No comments received at the time of writing this report. No objections raised to previous application.

Conservation Officer - To be orally updated.

English Heritage - "The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice"

Landscape Architect - To be orally updated.

Tree Officer:

"I have again examined the arboricultural implications report.

My previous concerns regarding underground service provisions and the objectivity of the tree categorisation, remain unaddressed, i.e. Ash T22 being categorised as A1, Ash T21 being categorised as B1. My views were clearly reflected early on by the selective inclusion within the Tree Preservation Order.

The overall footprint of the proposal remains unaffected by the tree report, with the exception of some car parking spaces.

The Applicants Arborist has stated within his report that he is not aware of which trees are subject to the TPO.

The offsetting of the Root Protection Area of Yew T30 (A1), with its well known species-characteristic of intolerance to absorbing root damage remains unaddressed."
The supplied plans detailing root areas, tree protective fencing and shadowing do not include a scale. The limitations of the 'Arborshadow' plans are demonstrated by the simple fact that in reality, tree shadow plottings are concave, not convex. The liveability issues of excessive shading and the dropping of sticky arils and needles by the Yew, onto the patio area outside the southern lower ground floor levels of the proposed dwellings remain a concern as do the light levels available to the dwellings themselves.

The lack of commitment towards arboricultural supervision of the key stages detailed as well as unclear specifications for the tree planting remain unaddressed.

I still wish to object to this proposal".

Environmental Protection Unit - No comments received at time of writing this report.

County Archaeologist - No implications.

EA - No comments received at time of writing this report.

Technical - No comment.

Wessex Water - No comments received at time of writing this report.

REPRESENTATIONS:

2 letters had been received at the time of writing this report from local residents objecting to the revised scheme. A summary of comments:

The building will still dominate the neighbouring properties and have an oppressive, overbearing presence. It fails to preserve or enhance the settings and view in and out of the Conservation Area.

The end of the building which faces Nishikan and Reddins is now a solid wall and no attempt has been made to break up its appearance and the impact it will have.

"Millbrook car park is the only car park in the town, and the view of the church is going to be marred by a very plain unattractive office type block"

CONSIDERATIONS:

As previously stated Area East Committee refused a previous similar application, the plan has been amended and the proposed accommodation wing altered to reduce the impact on adjoining neighbours. This has taken the form of removing the end bay from the northern end of the wing moving the building away from the boundary.

The application site is within the development area of Castle Cary and therefore development is acceptable in principle subject to reflection on the material considerations.

Need and Rationale

There has been a case put forward by the applicants, which outlines the need for and rationale behind this development. Cary Brook is a popular home providing specialist care for older people with dementia. The applicant's wish to enhance the facilities available for this vulnerable group and improve the working environment for the staff.
During the discussion on the previous application members expressed support for the Somerset Care Group and the excellent work undertaken at Cary Brook.

In addition to the information contained within the Design and Access Statement the agent provided this statement with the previous application:

“There is a very high level of residents within the home that are provided and cared for via Social Services. The home itself has evolved into a specialist provider of dementia care services which itself requires a greater degree of space and specialist facilities.

The registration body “CISCI” inspections have indicated that the current requirements established by the 2000 Care standards Act can no longer be met within the home in its current configuration. It is Somerset Care’s desire to not only meet but exceed these requirements.

Unless the existing Care Home is extensively modernised, which this proposal demonstrates via only the part demolition rather than complete demolition and new-build across the site, then eventually the home will have to close as significant concerns have been raised about the long-term structural stability of the western wing which is subject to ongoing monitoring by Structural Engineers. The proposed alterations and new wing will allow the home to operate in line with ‘Current Best Practice Guidelines’ whereby residents are cared for in smaller more intimate groups rather than across the entire home…

…Part of Somerset Care’s commitment to the existing residents, their families and staff is to ensure the modernisation of this home allows the existing residents to enjoy a level of accommodation that at the very least meets the current standards as well as the provision of the Day Care facilities that are currently enjoyed by the wider community as a whole”.

Against this case there are the specific on site constraints that have emerged through the site visit and the replies to the consultation exercise. These can be broken down into several key issues, the design and scale of the development and its relationship with the built historic environment and the impact on the resident trees.

Design and Scale

The scale and bulk of the development has been based on national standards for residential care home as outlined above but the overall scale has been reduced from the previous application.

The result of this is a predominately two-storey building but as the site slopes an extra storey has been incorporated to the northern end to maintain the level. Even with the amended roof form the elevation is still some 10.4m tall (compared to the previous 11.3m), the change from a twin-pitch to two mono-pitched roof facilitates this. The land continues to slope to Millbrook Gardens with a fall of approx 2m. The end elevation is some 15m wide (previously 14m) and at its nearest point is 8.2m (previously 4m) from the residential boundary widening to 10.2m (previously 6m). So although lower and further away from the boundary with Reddings, Serenity and Nishikan, the extension is wider than previously proposed. The added facet is the extension would be to the south of these properties blocking sunlight due to the height and proximity to the boundary and the fact that the rear gardens of the aforementioned properties are only approx 8m deep.
The rear gardens can already be overlooked from the existing accommodation; the previously proposed gable end window and terrace have been omitted. Neighbours are now concerned over the blank façade that results.

The overbearing impact of the built development is objectionable based on its bulk scale and massing in proximity to residential properties set at a lower level. It is also questionable whether this site is suitable for a building of the size proposed given its sensitivities.

There was concern raised previously over the east elevation by the occupants of the Old Rectory who assert that the bedroom windows in the eastern elevation will overlook the rear garden invading privacy. The development is set back from this boundary with the elevation some 13m from the residential boundary widening to 17m. The rear garden is some 20-24m deep to the rear elevation of the Old Rectory. In addition there is a robust tree belt on the eastern boundary. In summary, it is not considered that demonstrable harm is caused to the Old Rectory by way of an overbearing impact or by overlooking.

The second issue is the impact on the wider area of the bulk, scale and massing of the development. In this regard the physical design and impact on the adjoining Conservation Area, Listed Buildings and the general townscape needs to be assessed.

Policy EN4 of the Regional Spatial Strategy plus policies ST5 and ST6 of the Local Plan build on advice from PPS1 in dealing with design issues. Policy ST5 states application will be permitted where “The proposal respects the form, character and setting of the locality”, whilst Policy ST6 states “The architectural and landscape design satisfactorily respects the form, character and setting of the settlement or local environment” and “Their density, form, scale, mass, height and proportions respect and relate to the character of their surroundings”. It is on these matters it is considered application fails.

Policy 9 of the Structure Plan and Policy EH1 of the Local Plan states all development in a conservation area or outside the area, which would affect the settings or views in or out of the area will be required to preserve or enhance the character or appearance of the area. It is considered from a conservation point of view that the building is excessive in bulk and the application again fails to adequately demonstrate sufficient attention has been paid to the key views of the church through and across the site. Policy EN3 of the Regional Spatial Strategy also suggests proposals should enhance Conservation Areas, with views from such areas being just as important.

Trees

The previous application paid no regard to the issues associated with the trees on site using the British Standard to inform root protection zones, tree categorisation and liveability issues. The new application does contain an arboricultural input but it is difficult to give this credence given the design is effectively the same. It is argued therefore that concerns over liveability issues, outlook and light disruption have not informed the design and could be to the detriment of the amenity of residents plus cast doubt of the future retention of trees on the site.

CONCLUSION:

There is a strong view put forward by the applicants that the future of the home rests on this decision and is obviously a major material consideration, however, the visual impact on several properties on Millbrook Gardens is seen as significant and another major material consideration.
Previous advice has suggested that there may need to be discussions over the long-term future of the site and that the requirements of increasing need for rooms coupled with rising standards increasing the space required for each room may mean this site has already reached its capacity. Notwithstanding this, despite changes to the design there are still concerns and the tree issues remain unresolved; it is considered that the previous recommended for refusal should be maintained. Members will need to balance the merits of the case against these concerns.

RECOMMENDATION:

Refuse permission for the following reasons:

Application Refused

01. The building proposed, by reason of its relationship to adjacent properties, scale, bulk and form, would create an oppressive, overbearing presence which would have a detrimental effect on the amenities of the occupiers of adjoining properties and would be detrimental to the visual amenities of the street scene and wider area whilst failing to preserve or enhance the settings and views in and out of the Conservation Area. The proposal also fails to demonstrate that adequate attention has been paid to the setting of the adjacent listed buildings. The application is therefore contrary to policies Vis1, Vis2, EN3 and EN4 of the Regional Spatial Strategy; policies STR1, STR3, STR5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000) and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan (Adopted April 2006).

02. The proposal has not been developed with an arboricultural input nor in accordance with BS 5837:2005 which in turn has failed to inform the design of the proposed building and therefore does not adequately relate the design to the specific constraints of the site taking into account liveability issues, outlook and light disruption and is therefore contrary to policies ST5, ST6 and EC3 of the South Somerset Local Plan (Adopted April 2006).