



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/41

Development Control Committee

2 June 2016

Planning Application DC/16/0093/FUL

The Chimneys, New Road, Rougham

Date: 27 January 2016 **Expiry Date:** 23 March, extended by agreement to 6 May 2016
Registered:

Case Officer: Penny Mills **Recommendation:** Approve

Parish: Rushbrooke **Ward:** Rougham

Proposal: Planning Application – Change of use from residential dwelling (C3) to residential care home (C2) and day centre (D1) and associated alterations including works to buildings.

Site: The Chimneys, New Road, Rougham

Applicant: The Chimneys Healthcare Partnership

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

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Background:

This application has been referred to the Committee by the Delegation Panel. It was presented before the Panel because the Case Officer recommendation differed from the views of the Parish Council.

Since its submission, the application has been subject to amendments, and additional information has been provided at the request of the Highway Authority.

It is proposed that a site visit will be held on Thursday 26 May 2016.

Proposal:

1. The application seeks permission for a change of use of an existing residential dwelling to a care home (C2) and associated day care centre (D1), with associated alterations including works to outbuildings. Within this broad use class, the specific purpose of the development is to provide a specialist residential eating disorders facility.
2. The proposed facility will provide care for up to 12 residential patients each staying for between 3-6 months, although the Design and Access Statement submitted with the application states that it is likely that only 10 rooms will be in use at any one time so that a buffer can be maintained.
3. The facility would be accessed by staff, visitors and arriving patients via the improved driveway access from New Road. There is likely to be 8 staff on site during the day and 4-5 staff on site during the night.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Application Form and covering letter
 - Design and Access Statement
 - Location Plan
 - Block plan and elevations

Site Details:

5. The application site is located outside the development envelope for the village of Rougham on land designated as countryside in planning policy terms. The site comprises an existing large detached dwelling, with outbuildings set within a large garden. The dwelling fronts on to New Road, from which there is an existing domestic driveway access.
6. An existing farm track runs along the northern boundary of the site, and beyond this is a small area of woodland. The majority of the surrounding land is undeveloped agricultural fields, although the A14 lies approximately 130 metres to the north.

Planning History:

7. The Planning History for the site is summarised in the table below:

Reference	Proposal	Status	Received Date	Decision Date
SE/12/0518/HH	Planning Application - Erection of single storey side extension to existing garage block to provide study/garden room	Application Granted	18.04.2012	08.06.2012
E/99/2497/P	Planning Application - (i) Erection of swimming pool building (revised siting) and (ii) change of use of paddock/ agricultural land to garden curtilage as amended by drawing received 9th September 1999	Application Granted	28.07.1999	15.09.1999
E/97/3137/P	Planning Application - Erection of single/two storey extension to south elevation as amended by drawing received 23rd January 1998 revising overall design	Application Granted	08.12.1997	30.01.1998
E/90/2897/P	Erection of domestic double garage, car port, attached 2 storey building to form commercial store room (following	Application Granted	04.09.1990	05.10.1990

demolition of
existing garage and
store room) and
formation of new
vehicular access

E/90/1659/P	Removal of existing business storage building and erection of new building for business purposes (including part temporary structure) and private garage with games room/playroom above as amended by letter and plans received 25th May 1990	Application Refused	21.03.1990	19.06.1990
E/88/4569/P	Section 32 Application - Retention of extensions to existing garage and use thereof as storage and office associated with market stall business	Application Granted	15.12.1988	01.02.1989

Consultations:

8. County Highway Authority: No objection, subject to the use of conditions requiring the following:
- full details of the proposed access (including the position of any gates to be erected and visibility splays provided) Thereafter the access shall be retained in its approved form;
 - details of the areas to be provided for storage of Refuse/Recycling bins;
 - details showing the means to prevent the discharge of surface water from the development onto the highway;
 - details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage;

- provision of specified visibility splays;
- removal of permitted development rights with regards to construction of gates or boundary treatments that would obstruct the visibility splays.

9. Public Health and Housing: No objection

Representations:

10. Parish Council: Members object to these proposals for the following reasons:

- a) The Parish Council concurs with the Suffolk Highways conclusion, namely *"The development would result in an intensification of use of the proposed access which has substandard visibility, resulting in a reduction in safety on the highway. The road is derestricted and subject to the national speed limit of 60mph for which the required visibility splay is 2.4m x 215m. This cannot be achieved to the north, because of the vertical alignment of the road over the bridge, and, to the south, visibility is obstructed by trees and a fence along the frontage to the property. The proposal would, therefore, be unsuitable for safe access to the development as required by paragraph 32 of the NPPF."*
- b) The Parish Council considers that there is insufficient car parking for both the staff and visitors. Furthermore, we understand, the agreement regarding use of the lane is restricted and does not cover the upper car park. Additional vehicles would be parked on either the lane - causing problems for the farmer - or the main road, which would create a significant danger to traffic. It is incongruous to suggest that the majority of staff and visitors would either cycle or walk as the property is a considerable distance from Thurston and Rougham along a busy road and cannot be accessed easily by bus or train.

11. Neighbours: At the time of writing, 16 representations have been received. One explicitly objects to the proposal and 14 voice support, with a single representation making comments without explicitly supporting or objecting to the scheme. The main points are summarised below: (full copies of the representations are available to view on the Council's website using the link at the end of this report).

Comments made against the application:

- The plans show an out line in red that seems to mislead the viewer into believing that the access to the rear of the property belongs to The Chimneys.
- Concern over lack of parking for staff
- Concern over lack of parking for visiting friends and relatives and other service providers
- Concern that the existing narrow access track will be blocked
- Concern over the scope of the use proposed and future changes to the

nature of the business – if minded to approve request that the use be controlled by condition

- Concern that due to the large area covered by the post code satellite navigation systems will lead people to neighbouring properties with resulting disturbances
- Concern over loss of a dwelling when there is a housing shortage
- The location is inappropriate and unsustainable due to its remote rural location and will result in a large number of vehicular movements
- Does not comply with planning policy (DM5, DM23 and DM33) as the nature and intensity of use is incompatible with rural location, there is poor accessibility and there would be an adverse effect on highway safety.
- Conflict between agricultural vehicle movements and movements associated with this use.
- Amenity of residents of Clay Farm will be adversely affected by the concentration of vehicles using the farm track, impeding access and the resultant disturbance this will cause
- Potential adverse effect on the function of Place Farm
- Amenity of future residents adversely affected by noise and disturbance from intensive agricultural use of the access.
- No exploration of sequentially preferable sites

Comments made in support of the application:

- Confident that this will be a well managed project and an asset to the community.
- Valuable contribution to the currently limited services for young people suffering from this illness
- Tranquil, rural environment will be conducive to recovery
- Personal testimonies of eating disorder problems, struggles to find facilities and sufferers having to travel a significant distance to facilities as none available within Suffolk
- Semirural setting, away from the distractions of a busy town or city, but also it is within easy reach of Bury St Edmunds and surrounding villages and the facilities that they have to offer
- Do not believe the applicant's would chose this location if farm noise was likely to be a problem
- Due to a lack of suitable facilities in the County these vulnerable, mainly young, people are forced to seek treatment away from the support and structure provided by their families and friends at a time when such support is vital to the success of their treatment and subsequent rehabilitation.
- The applicant is a highly regarded and very experienced clinical psychologist who has clearly seen the effect of the lack of suitable facilities at first hand
- If individuals are able to find the care they need in an area close to home their recovery is faster and therefore cost effective for both the NHS and for the patient in winning back their quality of life.
- The planned changes to the building and its surroundings are all in keeping with the area and will only change the plot for the better.
- Access has been carefully considered to be as sympathetic to other residents in the vicinity as possible.

- The proposed Eating disorder clinic will be a quiet healing environment; there will be very restricted visiting as part of the clients treatment programme therefore should not cause any disturbance to others.
- The distance from the Chimneys to the nearest resident is approx half a mile so any disturbance will be minimal.
- The proposal is for residential care for 12 patients and I don't understand why this should be refused as the impact should be minimal. Indeed these patients will not be day patient but more likely long-term, so the only comings and goings would be mostly of staff and visitors and would cause very little impact on the environment.

Policy: The following policies have been taken into account in the consideration of this application:

12. St Edmundsbury Core Strategy (December 2010):

- Policy CS1 - St Edmundsbury Spatial Strategy
- Policy CS2 Sustainable Development
- Policy CS3 Design and Local Distinctiveness

13. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015):

- Policy DM1 - Presumption in Favour of Sustainable Development
- Policy DM2 - Creating Places – Development Principles and Local Distinctiveness
- Policy DM5 – Development in the Countryside
- Policy DM7 - Sustainable Design and Construction
- Policy DM11 - Protected Species
- Policy DM23 – Special Housing Needs
- Policy DM33 – Re-use or replacement of buildings in the countryside
- Policy DM46 - Parking Standards

Other Planning Policy:

14. National Planning Policy Framework (2012).

15. National Planning Policy Guidance.

Officer Comment:

Principle of development

16.S38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning proposals must be determined in accordance with relevant Development Plan policies, unless material considerations indicate otherwise. As is often the case with planning proposals, the nature of this development does not fit neatly within one particular Development Plan policy. Nevertheless, given that the site is located within an area designated as countryside in planning policy terms, there are a number of key policies that are relevant to the consideration of whether the principle of this development is acceptable. These are policies DM5, DM23 and DM33 of the Joint Development Management Policies Document.

17. Policy DM5 deals with development proposals in the countryside. It sets out that proposals for economic growth and expansion of all types of business and enterprise, that recognise the intrinsic character and beauty of the countryside, will be permitted where: it will not result in the loss of best and most versatile agricultural land; there will be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or conservation and biodiversity interests; and there will be no significant adverse impact on the local highway network.
18. In the broadest sense, this development proposal would constitute economic growth and as such, could in principle be acceptable in accordance with policy DM5, provided that all of the relevant criteria are met. Given that the site comprises an existing dwelling, there is no loss of agricultural land. In terms of the visual and highways impacts, these are addressed separately in this report.
19. Policy DM23 specifically deals with proposals for extended or new accommodation for elderly and/or vulnerable people. From the supporting text to this policy it is apparent that the principle focus is on accommodation for the elderly. However, the vulnerable nature of the residents for whom this development is proposed, and the broad C2 use class applied for in the application, means that this policy is a relevant consideration.
20. A key requirement of policy DM23 is the need for a location that is well-served by public transport, community and retail facilities. The proposed development would be located in the countryside, outside the development envelope of the nearest villages and some distance from local amenities. There is therefore a degree of conflict with this policy, which would weigh against the development in the planning balance. However, it is sometimes appropriate to allow development that conflicts to some degree with Development Plan policy, where other material planning considerations indicate that it is appropriate to do so.
21. The applicant has argued that due to the nature of the proposed facility, a policy compliant, town or village centre location would be less desirable. It is argued in the Design and Access Statement that this site, which is located away from other properties in a quiet, secluded location, is ideally suited for the proposed use as a specialist residential eating disorders facility. Whilst the potential for noise and disturbance has been highlighted in objections to the proposal, the site is in a secluded and largely undeveloped area, where patients' access to the outside world could be carefully monitored and managed.
22. It is reasonable to give some weight to the specific locational requirements of the type of facility proposed, as a material consideration, although this would only be relevant to the specific use set out here. As such, if on balance the development were considered to be acceptable despite the element of policy conflict with DM23, it would be reasonable to restrict the use to that described within the application.

23. Policy DM33 deals with the re-use or replacement of existing buildings within the countryside and is not generally applied to proposals where the existing building in question is a residential dwelling. However, the proposed application includes the conversion of associated outbuildings and this policy remains relevant, not least because it raises issues of locational sustainability, which are plainly a relevant consideration, as of course does DM5, which seeks to support 'sustainable' development within rural areas.
24. Policy DM33 requires the nature and intensity of a proposed use to be compatible with its rural location. There are no set parameters for what would be acceptable or the threshold above which development should be refused. As such, this must be assessed on a case by case basis.
25. Having considered the relevant key policies above, it is apparent that there may be a degree of policy conflict in this case given the otherwise remote location. However, this conflict should be weighed up with all other relevant material considerations in the planning balance, including any benefits associated with the development, and the reasons why a non-policy compliant location maybe preferable in this instance. In this respect, the key issues are considered to be; visual amenity and the impact on the character of the countryside; residential amenity; highways issues; locational sustainability; and the wider benefits, including economic, associated with the development.

Visual Amenity and Impact on the Character of the Area

26. The proposed change of use would be accommodated within the existing buildings on site with minor alterations to the external appearance, and the construction of an open-sided covered walkway linking the existing dwelling with the detached outbuildings.
27. The applicant has stated that all proposed alteration work would be carried out in materials to match the existing buildings and the covered walkway would be built in timber, with a woven screen to the side facing the staff carpark.
28. Overall, the degree of change visually would be minimal and it is considered that the development would not result in any adverse effects on visual amenity. In this respect the proposal would accord with Joint Development Management Plan Policies DM2, DM5 and DM33.

Residential Amenity

29. Concerns have been raised over the impact that the proposed development would have on the residential amenity of neighbouring occupiers and the level of amenity the future residents of the facility would enjoy.
30. In terms of neighbouring residential amenity, the nearest residential dwellings are a considerable distance from the site and whilst there are other residential properties that share a postcode with the application site

that may conceivably experience a modest increase in comings and goings associated with users of the care facility, this would not amount to a significant adverse effect on their reasonable residential amenity.

31. In terms of the amenity of future occupants, concerns have been expressed over the noise and disturbance that residents would experience from vehicle movements associated with the nearby Place Farm, the access for which runs along the northern boundary of the site.
32. In rural locations there is likely to be disturbance arising from the farming of the surrounding land and the associated vehicle and machinery movements associated with this. It may be the case that the position of the farm access would increase the experience of this at this location. However, it is considered that it would not amount to a significant adverse effect on residential amenity such as to render this an unacceptable location for the proposal.

Highway Safety and Locational Sustainability

33. The Highway Authority initially objected to the development on the basis that it would result in an intensification of use of the proposed access which has substandard visibility, resulting in a reduction in safety on the highway.
34. Following the submission of additional information, including the results of a speed survey, the Highway Authority has withdrawn its objection and has confirmed that they are satisfied that the visibility splays achieved would be acceptable.
35. In order to ensure that no adverse effects on highway safety would arise from the development a number of conditions are recommended by the Highway Authority. These would require submission of full details of the proposed access, areas to be provided for storage of Refuse/Recycling bins, the means to prevent the discharge of surface water from the development onto the highway, the areas for manoeuvring and parking of vehicles and secure cycle storage and the provision of the required visibility splays.
36. The Highway Authority has not raised any concerns over the level of parking provision. However, concerns have been raised by local residents and the Parish Council in terms of the number of parking spaces provided to serve the development. Concerns have also been raised over the use of the access track to the north and the impact this would have on the existing farm use and well as the potential conflict between agricultural vehicles and those visiting this development.
37. In response to the concerns raised in relation to the use of the track, a revised parking and access arrangement has been provided by the applicant that relies on using the existing front driveway access, upgraded and adapted to the necessary standards. It is proposed that this access would serve all users.

38. The applicant has advised that there will be likely to be 8 staff on site during the day and 4-5 staff on site during the night. The revised highways and parking drawing shows the provision of 12 parking spaces to serve staff and visitors. However, there is clearly space within the site to provide additional overflow space should this be required. Given the scope for additional parking within the site, and the lack of objection from the Highway Authority, it is considered that this matter could be adequately addressed by the use of a planning condition to finalise the parking number and layout within the site, which could include provision of overflow parking.
39. In light of the above it is considered that the development would not raise any adverse effects on highways safety that could not be mitigated for through the imposition of planning conditions.
40. In terms of the sustainability of the location, it is possible that the majority of staff and visitors would travel to the site by private vehicle. Although, due to the scale of the proposal the overall number of trips associated with this would not be significant. The lack of alternative transport options should carry some weight against the proposal in terms of its locational sustainability. However, the level of weight that should be attached to this factor in this case is reduced by the modest scale and nature of the proposal as, given the vulnerable nature of patients, it would seem unlikely that other forms of transportation would be used, regardless of their availability. The potential harm in sustainability terms could be further mitigated through the use of a condition seeking a green travel plan, commensurate with the scale and nature of the development, which could seek to minimise the amount of trips by individual motor vehicles.

Benefits of the Development

41. The development would create a number of jobs, thus contributing to the rural economy and this should carry some weight in favour of the development.
42. The development would also provide a specialist residential eating disorders facility, for which there is understood to be no current provision within Suffolk. Indeed, it is stated in the Design and Access Statement that the nearest equivalent of which is understood to be in Norwich. Promoting Healthy Communities is a key aim of the National Planning Policy Framework, and the provision of an important care facility in an area where provision is currently lacking must also carry some weight in favour of the development in the planning balance.

Other matters

43. Following the submission of the TPA traffic report, a representation has been made questioning whether the required visibility splay could be provided without interfering or removing part of the hedge and fencing on the southern boundary of the site. They state that this hedge and fence

was agreed with the previous occupant and its ownership is shared. Any queries over the ownership of this boundary are not a material planning consideration. However, the provision of the required splays would be a pre-commencement condition. As such, should there be any legal reasons why the splays could not be provided it would not be possible to implement the permission.

44. The veracity of the speed survey data has also been called into question in terms of it failing to reflect the presence of localised flooding which is alleged to be in place at the time of the survey. The submitted information has been provided by competent professionals and the Highway Authority has accepted the methodology and data produced. The Highway Authority has confirmed that it is would not be appropriate to challenge the data shown in the highways survey.
45. The Case Officer has been copied in on a chain of correspondence between the applicant and a third party. This has been placed on the planning file as a matter of public record. However, the discussions between these individuals is not a material consideration in determining this application nor otherwise relevant to the matters for consideration before us.

Summary and Planning Balance

46. The proposed development of a specialist eating disorder facility would provide economic benefits through the creation of additional jobs, which would help to support the local economy. It would also have the social benefit of providing a type of specialist care that is currently not available in the local community. Both of these factors must weigh in favour of the development proposed. The fact that this proposal seeks to use an existing building and that it draws some support from DM5, must also weigh in its favour.
47. The development would not result in any significant adverse effects on visual or residential amenity and there would be no adverse effects on highway safety that could not be adequately addressed by the imposition of conditions. In these respects the development is considered to comply with local Development Plan Policy. However, it is acknowledged that there is a degree of policy conflict in terms of the type of use proposed in this otherwise isolated countryside location and that this is a factor which would weigh against the proposal.
48. The applicant has argued that the specific nature of the use means that a more remote countryside location is preferable. The scale of the proposal is also such that the level of type of vehicle movements associated with the development would not be significant. These factors are considered to reduce the amount of weight to be attributed to the policy conflict in this case.
49. On balance, it is considered that there are sufficient material planning reasons to approve the application, despite the modest degree of policy conflict. However, this balanced recommendation is based on the specific

nature of the use as set out by the applicant. As such, it would be both reasonable and necessary to restrict the use to that described in the application through the use of a planning condition.

Recommendation: Approve

It is **RECOMMENDED** that planning permission be **granted** , subject to the following conditions:

1. Time
2. Approved plans
3. Use restricted to as specified in the application - a specialist eating disorder treatment facility
4. Provision of required visibility splays
5. Full details of the proposed access (including the position of any gates to be erected and visibility splays provided). Thereafter the access shall be retained in its approved form
6. Details of the areas to be provided for storage of Refuse/Recycling bins
7. Details showing the means to prevent the discharge of surface water from the development onto the highway
8. Details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage
9. Removal of permitted development rights with regards to construction of gates or boundary treatments that would obstruct the visibility splays.
10. Submission of green travel plan
11. Materials as specified

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O1536NPD MK600>

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