

# WILTSHIRE COUNCIL

## NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	31.10.2012		
Application Number	N12.00850.FUL		
Site Address	Royal Arthur Park, Westwells, Corsham, SN13 9SF		
Proposal	Amendment to Existing Planning Consent 10/04093/FUL Comprising a Hybrid Application of a Detailed Submission for 36 Assisted Living Units and a Central Village Core Building made up of 22 Linked Assisted Living Units, 38 Close Care Bedrooms, 36 Care Bedrooms, Restaurant, Bar & Cafe Areas, Library, Shop, GP Surgery and Wellness Centre (Pool, Sauna, Treatment Rooms etc) With Associated Landscaping and Infrastructure; The Outline Application Consists of The Surrounding Remainder of the Site for a Further 221 Assisted Living Units with Associated Landscaping and Infrastructure.		
Applicant	Mr H Chan, Lunney Assets Corporation, Castletown, Isle of Man, IM9 1AX		
Town/Parish Council	Corsham		
Electoral Division	Corsham Without & Box Hill	Unitary Member	Councillor Tonge
Grid Ref	385155 168412		
Type of application	Full		
Case Officer	S T Smith	01249 706 633	Simon.smith@wiltshire.gov.uk

### Reason for the application being considered by Committee

Under the Council's Scheme of Delegation Specific to Planning, Councillor Tonge has requested this application be considered by the Northern Area Planning Committee to enable the consideration of traffic issues in relation to other approved applications.

### 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

### 2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development – previous permission
- Recent permissions and applications in vicinity of site
- Impact upon highway safety
- Design and appearance
- Ecology

The application has generated 31 letters of objection from residents. The Corsham Town Council support the proposal, but remain concerned about increased traffic upon Westwells and Neston.

### 3. Site Description

Located at the southern end of Westwells Road, the 10.0Ha Royal Arthur site is an ex. Royal Navy training centre now in private ownership. The site has remains disused since 1995 with many of the existing buildings now being in a poor state of repair. The site is largely covered with hard surfaces and is defined from the wider agricultural land by a wire mesh perimeter fence.

The Royal Arthur site is accessed from Westwells Road via a private lane, understood not to be under the control of the applicant.

The site is poisoned outside of any Settlement Framework Boundary defined in the adopted North Wiltshire Local Plan 2011, therefore by default being part of the countryside in planning policy terms. The site is not part of the Cotswolds AONB or the Bath and West Wiltshire Green Belt.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
05/02094/OUT	Retirement care village – 72 bed care home and 304 assisted living apartments	Refused 19/12/05  Appeal dismissed 09/11/06
08/00133/FUL	Continuing care retirement community – 75 bed care home and 221 extra care apartments	Permission 11/11/08
10/04093/FUL	Application to extend time limit for implementation of permission 08/00133/FUL	Permission 22/06/11

### 5. Proposal

This application seeks permission for the redevelopment of the ex. HMS Royal Arthur site for retirement or continuing care type village development. The application is submitted pursuant to the recent grant of a replacement planning permission under 10/04093/FUL and the earlier permission under 08/00133/FUL for similar.

Broadly comparable with the earlier permissions on this site, this application comprises a 97 bed nursing home together with 221 “assisted living units” (similar in concept to the “extra care apartments” referred to in the earlier permissions). The proposal again includes the provision of on-site restaurant, bare, cafe, library, shop, GP surgery and wellness centre.

Conceptually the application remains as that approved under 10/00133/FUL, providing for a spectrum of care needs for the elderly including a degree of independent living. The quantum of development also remains similar: 97 bed care home (albeit now described as 36 “care beds”, 38 “close care units” and 23 “linked assisted living units”, all contained within a single care home type building) together with 221 separate apartments (ie. flats that are individually occupied and owned, but still retaining a varying degree of care provision from the operator). What has altered is the layout of the development and the scale, design and massing of its built form. It is understood that this is to reflect the differing operating model of the new prospective care operators.

The application is submitted as a hybrid in that detailed permission is sought for the central part of the site (including the 97 bed nursing building, ancillary facilities, open space and 36 of the assisted living units). The remainder of the development has been submitted as an outline application with all matters except access for later consideration.

## 6. Planning Policy

North Wiltshire Local Plan 2011 Policies:

C3 (general development control policy)  
NE15 (landscape character of countryside)  
NE9 (protection of species)  
NE20 (re-use of military establishments in countryside).

## 7. Consultations

Corsham Town Council – *“Resolved: that the application be approved. Councillors were concerned about the impact of increased traffic on Westwells and Neston of this and other applications on the area and would ask that Highways be made aware of these concerns.”*

Highway Officer – *“On my assessment this proposal reduces the number of care beds by one but adds an additional 52 residential units in comparison to the existing permission.*

*I have examined the Transport Assessment and also the Transport Assessment for the approved scheme. These show that current scheme will generate an additional 16 movements in the morning peak, 22 movements during the busiest hour and 12 movements in the evening peak. The traffic generation figures were agreed in respect of the previous permission and I see no reason to dispute them. In view of the small levels of additional traffic I consider that the effect on the highway network will be insignificant.*

*Clearly the location is another issue. The proposal introduces additional dwellings into a green field location which is remote from existing facilities and a lengthy walk from the nearest bus stops. I note that some core facilities are to be provided on site and a demand responsive transport facility will also be provided. In addition the principle of this use on the site has already been established. In view of this I do not consider that an objection on sustainability grounds is appropriate.*

*Although the number of units is increasing, no increase in parking provision is proposed. Given the distance of the site from the public highway any parking problems would be confined on site and would not affect the highway. However the applicant may wish to consider the identification of suitable areas where additional parking can be provided if a need is established.*

*Subject to a S106 agreement in the same terms as the previous permission there is no highway objection to this application. Conditions 13 – 16 of the previous permission should also be imposed for this application.”* (Note: the above comments were produced in relation to originally submitted plans. New amended plans reduce unit numbers further to 97 bed nursing home and 221 assisted living units).

Environmental Health Officer – No objections subject to conditions.

Council Ecologist – *“Following on from the recent resubmission of revised landscape plans and additional bat survey information for the above site, please see attached a revised copy of the appropriate assessment for the site. We will still need to discuss and agree suitable wording for conditions to be attached to any permission granted in the event that you / committee are minded to approve the application, in order to secure the mitigation set out in Part D. Given that the proposals could affect a SSSI, please forward this on to Natural England and allow the statutory*

*21 days for them to respond before issuing any formal recommendation / decision on the application.”*

Natural England – Following the preparation of the Appropriate Assessment referred to above, final comments awaited.

Wessex Water – No objections subject to conditions.

Ministry of Defence – No objections.

Environment Agency – No objections subject to conditions.

English Heritage – No objections

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

31 letters of comment and concern received from local residents. Relevant main issues raised:

- Concerns about existing levels of traffic using lanes in and around Neston – any future development in the village is unacceptable.
- Need to take account of collective impact of all proposal for development in Westwells and Neston.
- Why so much development in Corsham is concentrated around Neston?
- Huge amount of traffic on Westwells and is not safe.
- Traffic assessment documents are out of date.
- Application is submitted prior to Core Strategy being adopted.
- Buses too wide to pass each other on lane in Neston.
- No mention of lighting plan or measure to deal with footpaths.
- Application is much greater in scale than previous permission.
- Combined effect of this application that development proposed for the adjoining Sands Quarry site.
- Basil Hill development already created a traffic safety problem.

## **9. Planning Considerations**

### Principle of development – previous permission

From 2008 the Royal Arthur site has benefitted from planning permission for the creation of a care community type development. The permission granted was comprehensive in nature and resulted in the complete redevelopment of the site, demolishing existing buildings and erecting new. The permitted development is substantial, comprising a large 75 bed nursing home and ancillary facilities building sited in a central position in the site, together with 5 pairs of apartment blocks spaced evenly around the remainder of the site. The central and apartment blocks were of a contemporary architectural aesthetic being of a flat-roof design with regular geometric layout and fenestration. Predominantly two storey in height, elements of three-storey construction were to be incorporated into the central nursing home and facilities block. The perception of massing and density of development was to be neatly reduced by the concentration of built form in zones, with expansive green space between. Total footprint permitted was to be 13,737m<sup>2</sup>.

The previous planning permission for this site remains extant. The existence of a planning permission should rightly be viewed as a significant material consideration when determining this new planning application. To this extent the principle of similar development on this site has

already been established as acceptable and, therefore, considerations should be confined to differences between the existing and proposed situations.

It is anticipated that in the event of the Committee resolving to grant planning permission, similar restrictions would be imposed so as to ensure minimum age criteria for residents, a compulsion of a minimum level of care need and the consequent assurance that the development would remain within the C2 (residential institution) use class and not evolve into an unfettered C3 (residential) housing scheme.

#### Recent permissions and applications in vicinity of site

The vicinity of Westwells and Park Lane has been the subject of relatively large development in recent years. The vast majority of which has been Ministry of Defence related development at the Basil Hill site, but also elements of the commercial Spring Park site on the opposite side of Westwells have been completed (thereby rendering the balance of that planning permission extant into the future).

In addition, several planning applications for a variety of development have been submitted in the vicinity and remain undetermined. Most notably these include residential development on the engineering works site at Moor Park (bottom of Westwells), major development at the Sands quarry site (B1, B2 and B8 use classes). Permission also exists for the conversion to residential flats of the old Pink Flamingo nightclub mid way along Westwells, although this has not been implemented.

In this context the concerns of residents at Neston are understood since it must feel that the locality has been bombarded with proposals for not inconsiderable amounts of development in recent years. However, factually, permission for similar type and quantum of development exists on the Royal Arthur site and whilst account must rightly be taken of changing circumstances when considering new planning applications, it is the case that the last permission for development on the Royal Arthur site as recently as 2011 and prior to that in 2008. Critically, in both 2011 and 2008, all of the other development built, permitted or proposed in the Westwells vicinity were either known about or were in existence.

The ability to resist development on this site which, in large part, is merely a stylistic modification of a permission that is already in existence does not exist. To refuse planning permission simply because of other permissions and applications in the locality would be considered unreasonable. In contrast, however, proposals for development on other nearby sites which do not already benefit from permission must take account of the wider planning and development situation in Westwells and conclusions reached accordingly.

#### Impact upon highway safety

The planning application has been informed by a submitted Transport Assessment and comes complete with Travel Plan providing a commitment to sustainable access to the site into the future. The development would provide for X no. car parking spaces.

In considering the above submission, the Council's Highway Officer has rightly had regard to the existing planning permission on the site and has focussed on the differences. He has concluded that the increase in traffic would be minor and the consequent impact upon the highway network to be insignificant.

It is evident that this new application does introduce the concept of the "linked assisted living units", and that they are largely responsible for the increase in accommodation provided by the main nursing home element of the scheme (previously 72, increasing to 97 now proposed). Such units perhaps may be seen as an intermediate level of care provision occupying the ground between the previously proposed clear distinctions of care home and separated extra care units.

Although not explicitly referred to within the Highway Officer's comments, it is perhaps obvious to state that although the "close care units" and "linked assisted living units" take the form of a self-contained flats (as opposed to a bedroom only) the new units are to deliver an enhanced level of care and would still be positioned within the main nursing home/ancillary facilities building and therefore likely that potential occupiers would not be car owners/users.

The concerns of the local residents in respect of a potential increase in traffic. However, in the absence of an objection from the Council's own Highway Officer and the factual position set out in the section above in respect of other permitted and proposed schemes in the locality, it is not thought reasonable to refuse planning permission on highway safety or capacity grounds.

In common with the previous two permission on this site, it is expected that an associated legal agreement will be entered into prior to the grant of planning permission. That agreement will, amongst other matters, deliver a financial contribution to the Council which is to be spent on highway improvements in the locality – such as pedestrian and cycle way improvements, carriageway reshaping, signage and road makings, traffic management etc.

### Design and appearance

The proposal now under consideration offers an alternative vision as to how the accommodation could be laid out and designed. In contrast to the existing permission's contemporary aesthetic, the proposed plans demonstrate a more conventional approach and one that is more closely associated with typical nursing home architecture: pitched roofs, bays, balconies and chimneys making use of render, stone (natural and reconstituted), timber boarding and a mix of stone and natural slate roofs.

The site is discreet, removed from Westwells and well screened from most public vantage points. Consequently, the site does not play a role in defining the character of the wider locality and in this context the shift in architectural style, in itself, can be regarded as a matter of personal taste only since the visual effect of such a change is without wider effect.

The change to architectural style is accompanied by a change to the massing and layout of the development. The proposal now takes the form of a greater diffusion of development across the entire site, but each of the new blocks of development being of a less intensive scale and massing. The central main building remains the focus being 3 and 4 storey in height, but the remaining assisted living units being of a more domestic scale at 2 storey height.

Consideration should rightly be given to the appearance likely future use of the assisted living units, which by all accounts are now proposed to take a form that would be indistinguishable from conventional C3 housing development on a housing estate (in both architecture and arrangement in short terraces). In this particular case, however, the new units would still be physically and operationally related to the main nursing home, plus of course planning conditions and associated legal agreement can still provide certainly over what precisely planning permission is being granted for. It continues to be the case that appeal decisions on such matters consistently conclude that over time such "care village" type schemes that include a component of independent living will become increasingly institutional in character and feel, rather than less so.

The outline element of this hybrid application does not include detailed plans for layout and appearance of development, but this will need to be the subject of a subsequent Reserved Matters application.

### Ecology

The site is in close proximity to a SSSI and Box Mines SAC. Amongst other things, the site is known to perform an important role in migration, feeding routes and as a habitat in itself for bats. For this reason the scheme includes mitigation measures to ensure a negative impact is avoided.

The final comments of the Council's Ecologist and Natural England are awaited in respect of the amended plans, which reduce the spread of the proposed development across the site (including a reduction in unit numbers), and will be reported at the meeting.

## **10. Conclusion**

Conceptually, the proposed development of a "continuing care retirement village" broadly follows that already granted planning permission. It differs in how that concept is to be delivered and those differences are considered to be acceptable when assessed against adopted local Plan policy and guidance in the National Planning Policy Framework. The quantum of development is marginally greater than that previously considered to be acceptable and that increase is considered not to have an unacceptable effect upon highway safety, ecology and the wider landscape.

## **11. Recommendation**

**Subject to no new and substantive issues being raised by the Council's Ecologist and Natural England, including the additional and/or alteration of planning conditions**

**And**

**Subject to all parties entering into a legal agreement under s106 of The Act in respect of (and following the covenants set out in existing legal agreement associated with permission 10/04093/FUL): age restrictions, provision of communal facilities, highway improvements, travel plan and minimum care requirements, then:**

**The application be delegated to Officers for Planning Permission to be GRANTED for the following reason:**

The site has a lawful use as a residential training centre (Class C2) and in common with previous permissions on this site, the proposal overcomes the reasons for dismissal of the later appeal. The associated legal Agreement secures the nature of the use, sustainable travel and highway improvements. The design respects the character of the site and provides significant landscape improvements. The proposed buildings are innovative, high quality and sustainable. Traffic generation compares favourably with the lawful use and will be lower than alternatives. The biodiversity of the site, including protected species, will be preserved and enhanced. The proposal complies with policies C1, C2, C3, NE5, NE9, NE11, NE14, NE15, NE17, NE29, T1, T2, T3 and T4 of the North Wiltshire Local Plan 2011 as well as guidance contained within the National Planning Policy Framework.

**Subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans and documents subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. The approved landscaping scheme shall be implemented in accordance with a phased scheme of implementation to be submitted to and approved by the local planning authority before development commences. The landscaping shall be maintained thereafter for a period of not less than five years from the implementation of each phase. This maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

4. Prior to the commencement of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be submitted to and approved in writing by the local planning authority. Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In the interests of protecting the existing trees/hedges/shrubs on the site.

5. No service trenches, pipe runs or drains shall be sited within the root protection zone defined in the submitted arboricultural survey tree without the prior written approval of the local planning authority.

Reason: To maintain a vigorous and healthy root system to ensure the retention of trees in a safe and healthy condition.

6. Before any development commences, other than that approved under conditions 9, 10 or 11, details of walls, fences or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with a timescale to be approved by the local planning authority.

Reason: In the interests of amenity.

7. Before development commences a scheme for remediation of ground contamination shall be submitted to and approved by the local planning authority. The approved scheme shall be completed in accordance with timescales to be contained within the scheme. A remediation validation report shall be submitted to and approved by the local planning authority within three months of completion of the approved remediation works.

Reason: To avoid risk of contamination.

8. The development shall be carried out and completed wholly in accordance with the mitigation measures and landscape management plan contained within the Protected Species Survey, dated September 2008, received on 16th September 2008, prepared by Applied Ecology Ltd, including any timescales contained within the measures unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of nature conservation and biodiversity.

9. Buildings 2, 8 and 9 shall not be partially or wholly demolished until the bat houses(s) approved under condition 11 have been provided and any demolition shall be carried out in accordance with a timescale which shall first be submitted to and approved by the local planning authority.



Reason: In the interests of nature conservation and biodiversity.

10. Before development commences details of the wildlife ponds, owl box(es) and bat house(s) proposed in the mitigation measures approved under condition 9 shall be submitted to and approved in writing by the local planning authority. The ponds, box(es) and bat house(s) shall be provided in accordance with a programme to be first submitted to and approved by the local planning authority.

Reason: In the interests of nature conservation and biodiversity.

11. Before any external lighting (including any lighting installed for security purposes or used during construction) is installed details, including positioning, levels of luminance and hours of illumination, shall be submitted to and approved in writing by the local planning authority. The lighting shall thereafter be installed and operated in accordance with the approved details, unless otherwise first approved in writing by the local planning authority.

Reason: In the interests of amenity and nature conservation.

12. Prior to the erection of any building (except any structures approved under condition 11), details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

13. On first occupation of the site, a demand responsive bus service for the use of residents and staff shall commence and be provided in perpetuity. Specific details of type of bus, days / hours of operation and area to be covered by the service shall be agreed in writing with the local planning authority prior to commencement of the service.

Reason: In the interests of highway safety and accessibility.

14. Prior to the commencement of any development on site, other than that approved under conditions 9, 10 or 11, detailed schemes for the access road, junctions and footways along the access road (to include the installation of street lighting on the access road), shall be submitted to, and agreed in writing, by the local planning authority. For the avoidance of doubt, this shall include any necessary Traffic Regulation Orders. Development shall be carried out in accordance with those details approved.

Reason: In the interests of highway safety and accessibility.

15. Prior to the commencement of any development, other than that approved under conditions 9, 10 or 11, detailed schemes for the upgrading of rights of way Box 49, Box 50, Box 51 and Corsham 63 within 1500m of the site shall be submitted to, and agreed in writing by the local planning authority. For the avoidance of doubt, this shall include any necessary Traffic Regulation Orders. Development shall be carried out in accordance with those details approved.

Reason: In the interests of highway safety and accessibility.

16. Prior to first occupation of any of the buildings, the access road, access road footway, access road street lighting, junctions and rights of way improvements shall be completed.

Reason: In the interests of highway safety and accessibility.

17. Before development commences a construction method statement including phasing of development in relation to nature conservation interests shall be submitted to and

approved by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

Reason: In the interests of nature conservation.

**Informatives:**

1. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers and the Deed of Variation dated 21/06/2011.

