

# PLANNING APPLICATION REPORT



**ITEM:** 02

**Application Number:** 12/00511/FUL

**Applicant:** Mr D Wraighte

**Description of Application:** Extension to care home, new entrance porch, replacement fire escape and new front boundary wall and fence

**Type of Application:** Full Application

**Site Address:** LAMBSPARK CARE HOME, 38 MERAFIELD ROAD  
PLYMOUTH

**Ward:** Plympton Erle

**Valid Date of Application:** 22/03/2012

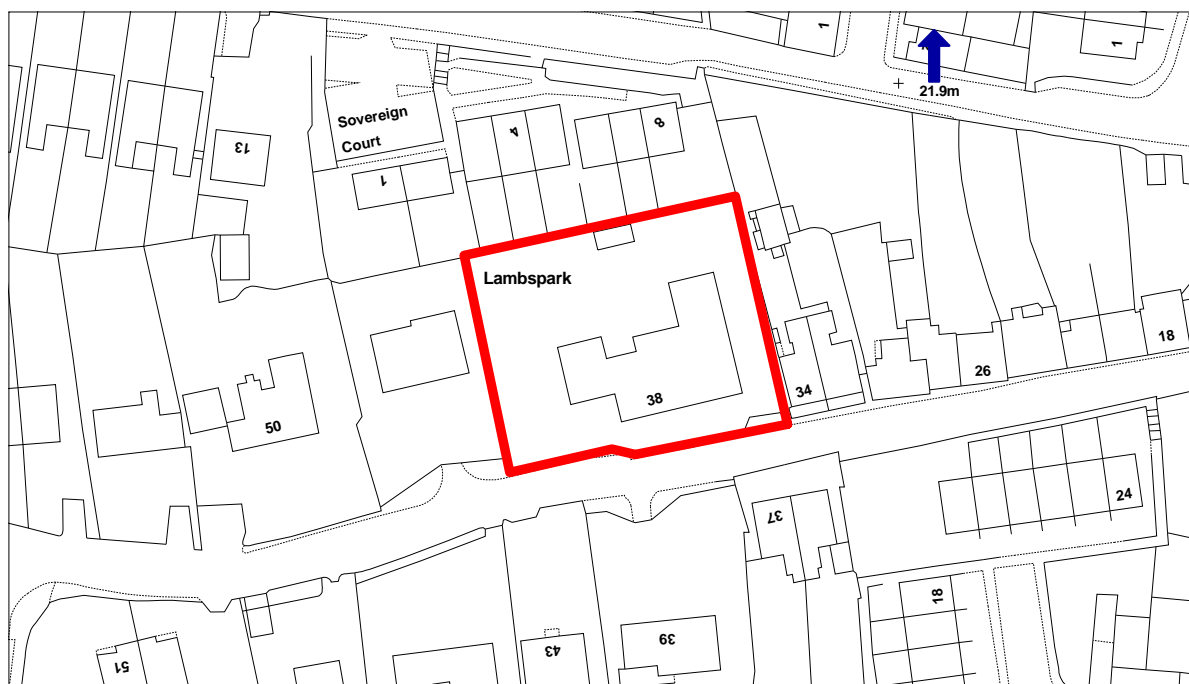
**8/13 Week Date:** **17/05/2012**

**Decision Category:** Member Referral

**Case Officer :** Jon Fox

**Recommendation:** Grant Conditionally

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This application has been referred to Planning Committee by Councillor Terri Beer because she considers it is overdevelopment of the gardens and deprives residents of an opportunity to sit in a garden space. There are also parking and highway issues.

### **Site Description**

The site is Lambspark Care Home, a three-storey building with roof dormers. The land falls away northwards from the main road and the high rear elevation of the Care Home overlooks the properties lower down, in Underlane. The adjoining property to the west is 48 Merafield Road, which is owned by the applicants and is a vacant, split-level bungalow that has a single-storey front elevation. The eastern end of the Care Home site adjoins a semi-detached property that is overlooked by the existing fire escape at this end of the building. The site of the extension to the Care Home is currently laid out as an amenity/seating area. The properties on the south side of Merafield Road are on land that rises up from the road and consequently they overlook the site.

Lambspark was established as a residential home for the elderly in 1980. It provides residential care for 36 residents on three floors in 33 bedrooms each with en-suite toilet and wash hand basin, some also with showers. There are also additional bathrooms on the ground and first floors. It has three residents' lounges, two on the ground floor and one on the first floor. One of the lounges leads into a conservatory. There is lift access to all floors as well as three separate staircases leading off a central access corridor.

### **Proposal Description**

An extension to the care home to provide 8 additional bedrooms, an additional lounge and an office, with stair and lift access. The extension would provide accommodation on four floors, the additional floor being at lower ground floor level. Also proposed are a new entrance porch, replacement fire escape and new front boundary wall and fence.

It is proposed to increase on-site parking spaces from 9 to 13.

### **Pre-Application Enquiry**

Post-decision meeting held in respect of the refusal under application 11/01136/FUL. The planning officer informally suggested that an extension that is three metres narrower would be likely to be acceptable.

### **Relevant Planning History**

11/01136/FUL - Four-storey side extension, front entrance porch and replacement fire escape to side of residential home. This application was REFUSED owing to its impact on the character of the area, the amenities of 48 Merafield Road, loss of amenity space and inadequate parking provision.

09/01133/FUL - Four-storey side extension, front entrance porch and replacement fire escape to side of residential home, change of use, conversion and two storey front extension to dwellinghouse (owners' accommodation) to form day care centre, and works to alter vehicular accesses, provide additional parking and replace front boundary. This application was REFUSED for 10 reasons, relating to: overbearing

and dominant/loss of light affecting 48 Merafield Road; extension being out of scale and character; loss of amenity space; intensity of use of 48 Merafield Road being harmful to amenity and character of the area; loss of privacy for 50 Merafield Road as result of proposals at No.48; additional traffic movements giving rise to highway safety concerns; inadequate loading/unloading provision; inadequate provision of parking; lack of turning provision and sub-standard access.

## **Consultation Responses**

### **Highway Authority**

Transport and Highway Services recommends that the application should be refused owing to: the failure to provide sufficient mitigation for the proposed extended and intensified use of the application site as a Care Home; failing to meet sustainable development initiatives; failing to meet national and local planning standards and guidance; failing to incidentally comply with the setting back requirements of the Highway Authority; and failing to support safe traffic movements both pedestrian and vehicular by making provision for and improving the utility of the public realm fronting street.

Should the proposal be altered to provide and meet the necessary provisions as already identified by setting back the frontage of the application site, then Transport and Highway Services indicated it would withdraw the objection and be able to conditionally support an appropriately amended proposal subject to appropriate planning conditions.

### **Public Protection Service**

Public Protection Service recommends a condition requiring the applicant to adopt and abide by Plymouth City Council's code of practice for construction and demolition to prevent unnecessary disturbance to neighbouring residents.

### **Representations**

Letters were received from Nos. 43, 45, 47 and 49 Merafield Road. These raise the following objections and observations:

1. The number of new bedrooms will effectively be 8, not 5 as stated.
2. More than 3 and 4 persons use cars (as stated).
3. Current on-street parking is not by nearby residents, as stated.
4. The leylandii trees on site were removed and therefore will not provide screening to the houses in Sovereign Court, as stated. Those properties would suffer loss of light and privacy and the development would be over-bearing on them.
5. The proposed extension is not adequately subservient and the development would be dominant and out of character.
6. Loss of garden space at the site, which is important for residents' lifestyle, health and well-being.
7. Loss of fine plaster moulding at existing entrance is harmful to the character of the building and the area.
8. The proposed extension would block light to No.43 and would result in a loss of privacy. Properties facing the site will have their amenities affected.

9. The stated bus service is incorrect. There is no weekend service and therefore staff will have to arrive by car, needing to park on the road and adding to congestion.
10. The comings and goings of staff, deliveries, visitors and ambulances will increase and add to congestion. The road is effectively a single highway owing to parked cars and is further endangered by the allowed development for a dwelling opposite, at 39 Merafield Road.
11. Loss of view.
12. The development sets a precedent for incremental enlargement of properties. The resulting building would be overly large and out of character in the area.
13. The proposed porch is too large and with its flat roof would be out of character.
14. Access in/out from the driveways will become even harder.
15. Extra sewage going into overworked systems.

## **Analysis**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The main issue in this case is whether the proposals overcome previous reasons for refusal without raising further problems. The relevant Core Strategy policies are CS02 (design), CS28 (transport considerations), CS31 (health care provision) and CS34 (planning application considerations), as well as the Development Guidelines Supplementary Planning Document (SPD) and the National Planning Policy Framework.

With regard to residential amenity, the properties on the south side of Merafield Road are considered to be sufficiently distant from the proposals and would not be significantly overlooked. The house to the east would be overlooked by the new fire escape, but not significantly more than it is from the existing fire escape. The houses in Sovereign Court, to the rear, are at a much lower level and previously were screened from the Care Home by an evergreen hedge. This hedge has been removed and as a result the extension windows would look down onto these properties. However, the houses in Sovereign Court are over 21 metres from the proposed extension, which is the separation distance recommended in the SPD, and it is considered that the extension would not lead to significantly more overlooking than occurs from the Care Home at present.

The dwelling at No.48 is close to the proposed extension and is set back, and down, from it. The reduced width of the proposed extension compared to the last scheme, 7 metres compared to 10 metres, would pull the extension away from

No.48 and would no longer appear overbearing and dominant when viewed from that property. It is considered that daylight and sunlight reaching the front and rear of No.48 would be acceptable. The proposals are therefore considered to be in accordance with policy CS34 of the Core Strategy and with the SPD.

Compared to the last scheme, a larger and acceptable gap would remain in the street scene between the care home and 48 Merafield Road. The proposed extension is also considered to be sufficiently subordinate to the existing building, assisted by being set down from the ridge height of the existing building, and would not overly extend its width to the detriment of the scale of the resulting building and the character of the area. The proposals are therefore no longer considered to be contrary to policies CS02 and CS34 of the Core Strategy.

With regard to amenity space, the reduced width of the extension allows for some amenity space alongside while also allowing more light to adequately reach the rear amenity space. Therefore, it is considered that adequate space would be available for the care home and in this respect the proposals are considered to be in accordance with policy CS34.

With regard to highway matters, the Transport and Highway Service has recommended refusal on the grounds that the fronting road should be set back (in accordance with a setting back order) in order to better accommodate the traffic generated by the resulting care home, which is in an area that often experiences traffic problems due to the narrowness of the streets in this older part of Plympton and, as the Transport Officer has pointed out, the scale and intensity of the proposals increases the burden on the local highway network. However there are now proposed to be adequate off-street car parking/turning facilities and a planning condition would ensure that the proposed parking spaces are provided and retained. With regard to the narrowness of the street, which is not a classified road, there is a footway fronting the site, about one metre wide, and on balance it is not considered necessary to require the widening of the highway to expand the width of the carriageway and/or footway as a result of the proposed extension. Notwithstanding the Transport Officer's comments, the proposals are considered to be in accordance with policy CS28 of the Core Strategy. In this respect the Local Planning Authority took a similar stance, on balance, in relation to the previous application, which was refused due to inadequate parking but not owing to a lack of setting back of the street.

With regard to concerns that the existing sewerage system is overworked, the proposed extension is relatively small in terms of its impact on the sewerage infrastructure and if any issues arose these would be dealt with by the Sewage Authority.

### **Section 106 Obligations**

The proposals do not require mitigation under Section 106 of the Planning Act.

### **Equalities & Diversities issues**

The proposals provide additional accommodation for vulnerable elderly people and in this respect are beneficial to this sector of the community.

## **Conclusions**

The proposed extension to the care home is considered to be small enough now to overcome the previous reasons for refusal without raising any other issues. On the points of disagreement with the Transport Officer, the effects of the extension are not considered to be so harmful as to warrant refusal on this non-classified road. It is therefore recommended that planning permission be granted.

## **Recommendation**

In respect of the application dated **22/03/2012** and the submitted drawings I1808/L, I1808/101, I1808/102, I1808/103, I1808/104A, I1808/105A, I1808/106A, I1808/107A, contaminated land survey, and accompanying design and access statement, it is recommended to: **Grant Conditionally**

## **Conditions**

### **DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

### **APPROVED PLANS**

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: I1808/L, I1808/101, I1808/102, I1808/103, I1808/104A, I1808/105A, I1808/106A, I1808/107A.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **CAR PARKING PROVISION**

(3) The extension hereby permitted shall not be occupied until the car parking areas shown on the approved plans have been fully constructed and those areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **CODE OF PRACTICE**

(4) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Plymouth Public Protection Service's Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust.

**Reason:**

The proposed site is in the immediate vicinity of existing residential properties, whose occupants will be likely to be disturbed by noise and/or dust during demolition or construction work; this condition is to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**INFORMATIVE - CODE OF PRACTICE**

(1) A copy of the Public Protection Service's Code of Practice for Construction and Demolition Sites can be downloaded via:

<http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm>

It is also available on request from the Environmental Protection and Monitoring Team: 01752 304147.

**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: the impact on the amenities of neighbours, the impact on the character and appearance of the area, the amount of available amenity space for the care home, and the impact of the proposals on highway safety, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS02 - Design

CS31 - Healthcare Provision

SPD1 - Development Guidelines

NPPF - National Planning Policy Framework March 2012