

PLANNING APPLICATION REPORT



ITEM: 03

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

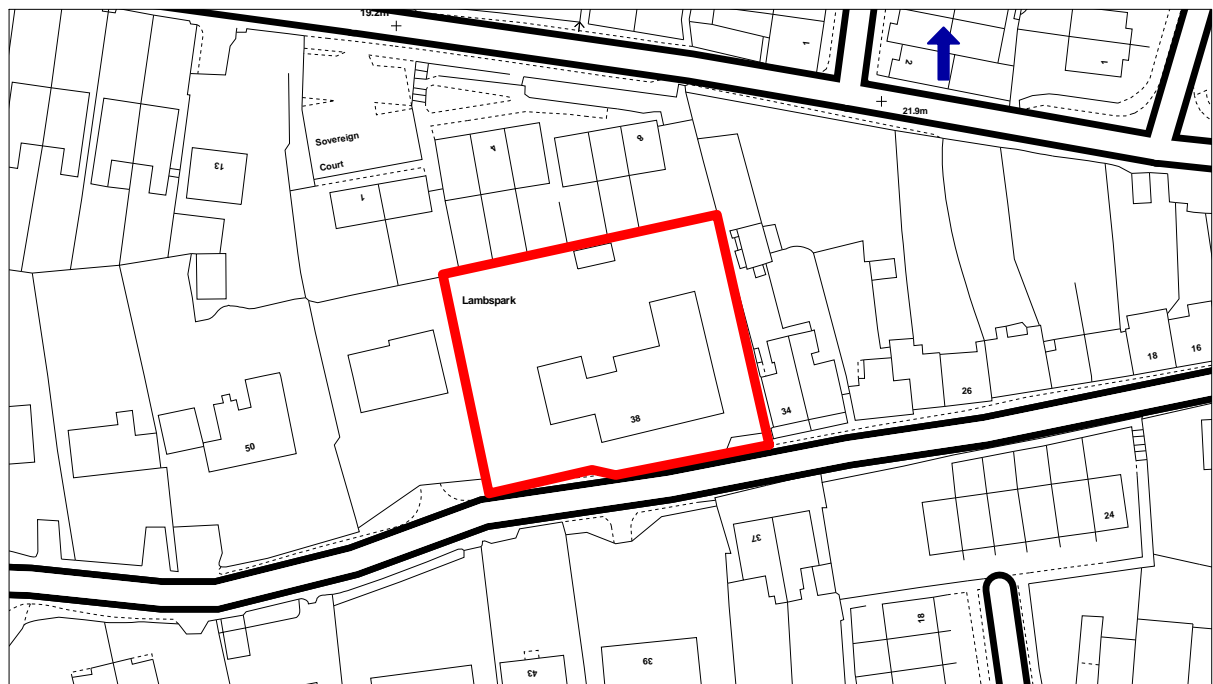
8/13 Week Date: **17/05/2012**

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.

The application was first reported to members at the planning committee meeting on 31st May 2012, at which time the application was deferred to allow members to carry out a site visit and for consideration to be given to the relationship between the care home and the applicant's residence at the adjacent property, 48 Merafield Road; the viability of the care home; traffic generation and available amenity space. These considerations are addressed in the following paragraph headings: Amenity Space Considerations; Highway Matters; Viability and Employment and Other Considerations.

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.

The present care home has 36 residents. 6 residents occupy shared bedrooms. The extension will add 8 bed spaces which gives a theoretical maximum occupancy of 44 residents. The intention is that 3 existing residents will be moved from shared bedrooms into their own bedrooms in the extension and one existing bedroom is being used as an administrative office which means that in practice the extension will result in 40 residents (36 + 5 residents – one bedroom for office). The agent has stated that if the planning application is successful the applicants will be applying to

the Care Quality Commission (CQC) to increase their registration from 36 residents to 40 residents. The agent also states that this means that whether or not residents choose to share bedrooms this will not affect the overall occupancy limit of 40 persons.

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, which would include the provision of cycle storage facilities and a staff travel plan.

With regard to the submitted traffic generation figures Transport consider that it would seem reasonable to suggest that overall the increase in trips associated with the development might realistically be expected to be in the order of an additional

and modest 9 two-way (in & out) vehicle movements per day (or 4.5 visits). This is significantly greater than the figures supplied by the applicant's agent, which is referred to in the section on highway matters, below.

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

Four letters were received, which 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 a neighbouring property 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.

Residential Amenity Considerations

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.

Character of the Area

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.

Amenity Space Considerations

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. The applicant's agent has stated that many of the residents who are in the care home are too frail and no longer capable of enjoying the outdoors and that only 5 residents regularly use the garden and then in hot weather. They also say that the rear garden is more private and residents do not feel as comfortable in the side garden as the rear. In addition, the proposals create more lounge space within the building.

On the whole, and bearing in mind that the level of use of outside amenity space may increase in the future, 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. The applicant has confirmed that decking would be erected in space on the side of the proposed building for amenity purposes. In these circumstances and because the amount of amenity space is a material consideration in this case, it is recommended that a condition be imposed requiring details of the amenity space layout.

Highway Matters

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.

In these respects the applicant's agent has stated that the traffic generation levels recorded at the care home are, based on the existing occupancy of the Care Home on an average for 30 Residents:--

Doctor - 2 visits per week for 30 Residents therefore a further 8 Residents = $8/30 \times 2 = 0.53$ visits per week i.e. one additional visit per fortnight;

Ambulance - 1 visit per week for 30 Residents therefore a further 8 Residents = $8/30 \times 1 = 0.25$ visits per week i.e. one additional visit per month;

Visitors - 2 visits per day for 30 Residents therefore a further 8 Residents = $8/30 \times 2 = 0.53$ visits per day i.e. 4 additional visits per week.

While the transport Officer considers that traffic generation would be greater than anticipated by the applicants it is considered that 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.

Viability and Employment

The applicant's agent states that:

'The care industry is currently in a situation where both the regulators (CQC) and local authorities are driving an agenda of increasing quality. Extra quality requires better trained, higher quality staff and more accountability in terms of records and paperwork. In addition Care Homes have come under attack from a central government agenda which favours the funding of domiciliary care (care in one's own home) rather than the funding of care home placements. Lamspark's service delivery has therefore been changing, with service users having ever higher care needs (with people being in their own homes for longer). Providing care for those with higher needs results in increasing overheads. Whilst any attempts to improve quality in the care industry are welcomed by Lamspark, the inevitable result is also an increase in the businesses overheads.'

The agent also refers to cuts in the funding of elderly social care and low fees being paid by local authorities and that a decrease in turnover accompanied by an increase in overheads has brought the business close to break-even point. They also state that only larger homes are able to survive and that increased occupancy rates from 36 to 40 is key to allowing Lamspark to continue into the future as a provider of quality elderly social care and as a local employer in today's marketplace for care provision.

Other Considerations

The relationship with 48 Merafield Road, adjacent to the site, which is owned and controlled by the applicants, is material to the consideration of the application because it clearly could provide extra space for the care home in one form or another. The applicant's agent has responded to the principle of utilising No.48 by stating that the property is the owner's sole family residence and occupied as such, and also that the business cannot stand the demolition of No.48 to provide more garden space or car parking for Lamspark. The agent states also that the garden of No. 48 does not lend itself to being added to the care home but that the garage is available for the owner's car and the drive for his son who works at Lamspark and for overspill staff use if required.

In the circumstances it is considered that 48 Merafield Road is not fundamental to the use and operation of the care home, although it is noted that the property effectively provides parking for the applicants.

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.

In the interests of Nature Conservation it is recommended that any grant of planning permission include an informative note advising the owners to consider replacing the pond and installing several swift bricks at eaves level in the northern elevation.

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.

Local Finance Considerations

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. In this case the development will not generate any New Homes Bonus contributions for the authority. However, notwithstanding, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

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.

DETAILS OF AMENITY SPACE

(5) Plans showing the layout and arrangement of amenity space on the site shall be submitted to and approved in writing by the Local Planning Authority and that space shall at all times be retained for the approved amenity uses.

Reason:

To provide adequate outside amenity space for residents of Lambspark Care Home in accordance with policies CS31 and CS34 of the Core Strategy of Plymouth's Local Development Framework 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.

NATURE CONSERVATION

(1) In the interests of nature conservation it is suggested that the applicant consider replacing the pond and installing several swift bricks at eaves level in the northern elevation of the building. Further advice on installing swift bricks can be obtained from the Council's Nature Conservation Officer on 01752 304229

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