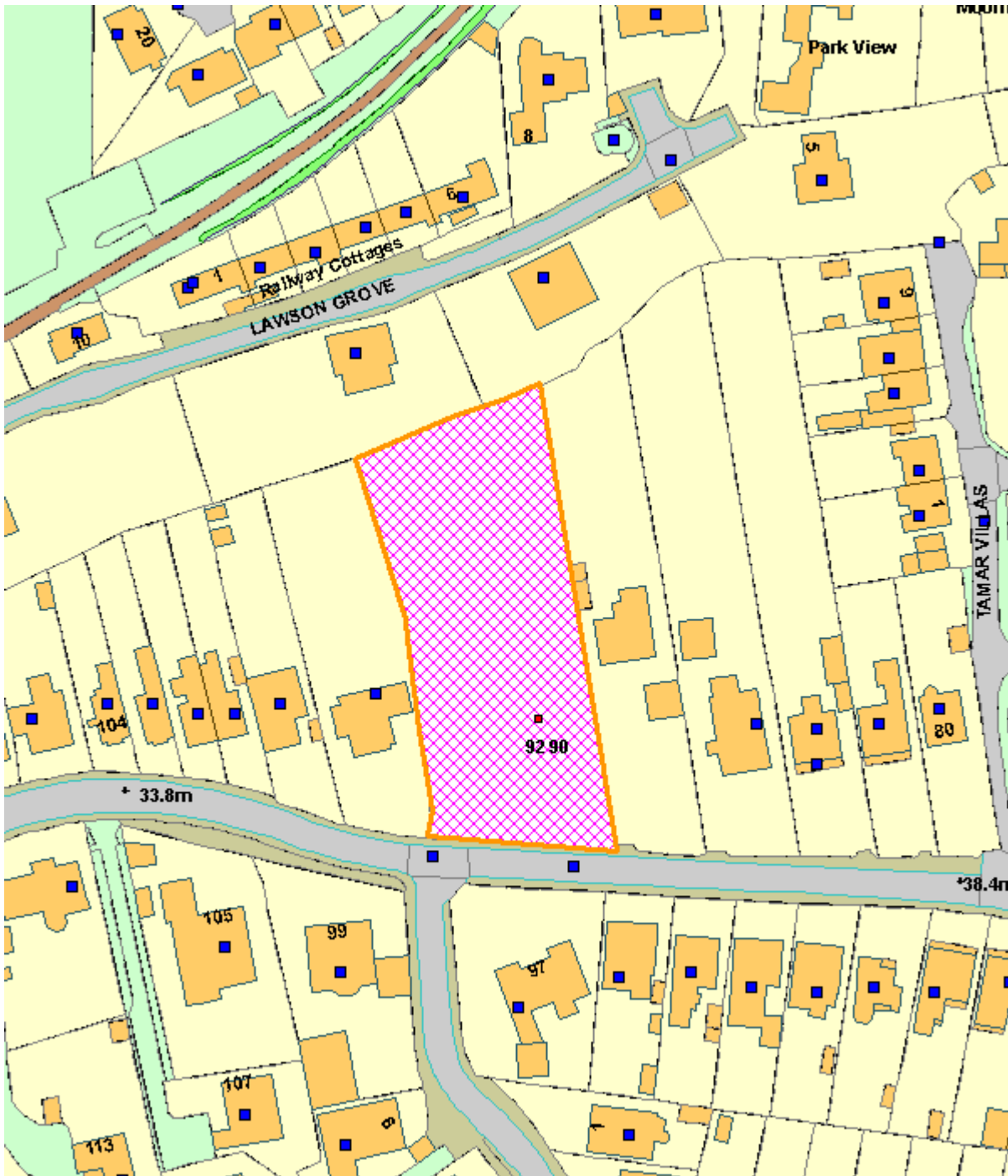


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	17/01976/FUL	<b>Item</b>	<b>01</b>
<b>Date Valid</b>	02.10.2017	<b>Ward</b>	PLYMSTOCK RADFORD

<b>Site Address</b>	90 - 92 Plymstock Road Plymouth PL9 7PJ		
<b>Proposal</b>	First floor and part ground floor extensions including rear car parking (Resubmission of 17/01236/FUL)		
<b>Applicant</b>	Mr & Mrs Steve Shirley		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>27.11.2017</b>	<b>Committee Date</b>	<b>11.01.2018</b>
<b>Extended Target Date</b>	<b>15.01.2018</b>		
<b>Decision Category</b>	Member referral		
<b>Case Officer</b>	Mrs Alumeci Tuima		
<b>Recommendation</b>	Refuse		



This application is brought to Planning Committee by Councillor Michael Leaves

### **1. Description of Site**

90-92 Plymstock Road, known as 'The Oasis' is an established residential care home. The site was formerly 2 detached dwellings (90 to the east and 92 to the west) which have been linked at ground floor level and previously extended to the rear for the purposes of the care home (see planning history).

The property occupies a relatively large site, with parking/landscaping to the front and good sized garden to the rear. The site is within an established residential area. The property is bound to the east, west and north by detached dwelling houses.

The site is relatively level east-west and falls to the north (rear). Lawson Grove to the north is at a significantly lower ground level.

The care home currently provides 33 bedrooms and is registered under the Care Quality Commission (CQC) for an occupancy of 35.

The boundary to the adjacent residential properties 88 and 94 comprise of hedgerows and timber fencing.

## **2. Proposal Description**

The proposal seeks to construct a first floor and part-ground floor extensions & additional rear car parking accessed via a side access along the eastern boundary. The residential care home offers a range of care services for the elderly.

The proposal includes 15 bedrooms at ground floor level and 22 bedrooms at first floor level, an increase of 4 bedspaces from the current 33 bringing the total number of rooms including an extant permission to 49. The proposed drawings also show extensions permitted by an earlier consent (09/01646/FUL) referred to here as the extant permission to include 12 additional rooms at ground floor and lower ground floor level. Please also refer to the planning history and analysis sections..

## **3. Pre-application Enquiry**

There was no pre-application however post refusal meetings for the previously refused application (17/01236/FUL) resulted in a positive outcome having viewed the proposed revised plans.

## **4. Relevant Planning History**

17/01236/FUL : First floor and part-ground floor extensions for the provision of 54 bedspaces including additional rear car parking - REFUSAL. The refusal reasons are outlined below:

- (i) Outlook - The most impacted window is the principle bedroom (habitable room) window which is unusually, side facing.
- (ii) Light - The proposal is to the west of number 88 and therefore is likely to result in loss of light and direct sunlight to the neighbouring property particularly during the afternoons/evenings. No. 88 benefits from a relatively large rear garden but the decking area (detailed above) appears and is likely to be used as the primary outdoor amenity area for this dwelling. As the rear of this property is north facing, the loss of direct sunlight in the afternoons and evenings is considered significant in this instance, and is likely to result in a

significant loss of enjoyment of this part of the garden. This loss of light, combined with the dominance of the proposal by virtue of its proximity and height, is considered to be unreasonable.

(iii) Privacy - The design of windows is intended to allow a forward (south) facing views from 3 rooms and one to the north/rear. Officers consider this window design will go a long way to mitigate overlooking of the most private parts of the adjoining garden, however, it will result in some increased overlooking of the neighbouring garden - specifically the area around the front door and to the front of the garage, which is well set back from the road and is screened from view of existing windows.

(iv) Noise is another issue raised in letters of representation. There are no records of noise complaints relating to the property and the level and frequency of noise disturbance from the existing comings and goings, deliveries and collections is not clear. In response to these comments, the applicant has submitted further detail on the current collections and deliveries, these include: food deliveries 3 times a week, refuse collection weekly, hazardous waste weekly, septic tank emptied 2-3times a year. The applicant contends that the enlargement of the home will not increase the frequency of the deliveries but the quantity will.

13/01776/FUL - Proposed two storey side extension and movement of first floor fire exit door and staircase to accommodate new platform lift - GRANTED CONDITIONALLY - included a condition for trees to front to be retained. (This permission allowed for relatively minor works to the south eastern corner of the building).

09/01646/FUL - Extension to existing care home to provide additional en-suite bedrooms, extension to existing dayroom and formation of new laundry and staff room below existing single-storey bedroom wing - REFUSED but ALLOWED ON APPEAL (Appeal allowed on 21 October 2010, valid until 21 October 2013 for commencement of extant permission) .

The scheme allowed at appeal following 09/01646/FUL permitted a proposal essentially for an L-shaped range of bedrooms to the rear, at ground floor level, enclosing a central courtyard. The rear garden slopes fairly steeply down to the north, so advantage has been taken of the change of level to include a row of additional rooms at lower ground floor level facing the garden. 12 new bedrooms are being provided but this has yet to be built. The proposals also include the provision of a stair case and lift facing the internal courtyard and reinstating the former car park to the rear of no.90.

09/03332/FUL - Continue use of number 92 as residential care home (combined with existing home at number 90), part two storey, part single storey extensions to both properties, alterations to vehicular access and formation of additional parking area (amendments to previous scheme) - GRANTED CONDITIONALLY.

09/00332/FUL was in part retrospective however the proposed extensions do not appear to have been built. Records show that conditions relating to this permission have been agreed. This proposal was superseded by application 09/01646/FUL.

09/00331/FUL - Part two-storey, part single storey, extension to residential care home, extensions to enlarge day room and provision of overspill car parking (for day use only) (amended scheme) - REFUSED - APPEAL DISMISSED.

08/01440/FUL - Part two-storey, part single-storey, extension to residential care home, extensions to enlarge day room, and provision of overspill car parking (for day use only) - REFUSED  
06/01073/FUL - Change of use of number 92 from dwellinghouse to residential care home (to be combined with existing home at number 90), part two storey, part single-storey, extensions to both properties, alterations to vehicular access and formation of additional parking area - REFUSED but ALLOWED ON APPEAL

## **5. Consultation Responses**

### Local Highways Authority

No objection with conditions

### Natural Infrastructure Team

No objection subject to conditions for an arboricultural method statement and trees/hedgerow to be retained/protected.

### Public Protection Service

No objection subject to further mitigating action. The proposal will not increase the number of collections/ deliveries but does have the potential to increase the length of each collection/ delivery. As the day to day activities are already existing, this is not considered a significant change and as such we have no objection to the application. Should our department receive complaints in the future, we will have a duty to investigate them and if an issue is substantiated, we will liaise with the care home and take relevant action at the time as deemed necessary.

### Housing Delivery Team and Community Connections

No objection with statement in support of appropriate housing delivery for ageing population. Housing Delivery and Adult Social Care Strategic Co-operative Commissioning support this application. "The SHMNA sets out that the city needs 1,188 additional residential and nursing bed spaces by the end of the plan period, but these need to be focused on the correct type of bed spaces to best meet the client group needs rather than

simply volume. Support will be given to schemes offering best outcomes for clients which tend to be found (by CQC inspection results) in smaller residential homes."

## **6. Representations**

Four letters of representation have been received in respect of this proposal - The letters all object to the application on the basis of:

The issues raised were with regards to:

- o Overbearing and intrusive impact
- o Loss of privacy, light and outlook.
- o Impact on separation distance to nearest habitable rooms
- o Noise disturbance from cars, residents through proposed windows, deliveries and waste collections; and
- o Parking on the highway
- o Impact on character of the area
- o Overdevelopment of site.

## **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision, particularly if there are no substantive unresolved objections. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- \* Development Guidelines Supplementary Planning Document.

## **8. Analysis**

1. This application has been considered in the context of the development plan, the draft JLP, the Framework and other material policy documents as set out in Section 7.
2. The main consideration in assessing this proposal is the impact on the neighbouring property's amenities, the streetscene, local highway network and trees. The application turns on policy CS02, CS19, CS22, CS28 CS34 of the Core Strategy and the detailed guidelines set out in the Development Guidelines SPD. Policies DEV1 (Protecting Health and Amenity), DEV2 (Air, Water, Soil, Noise and land), DEV 7 (Meeting local housing need in the Plymouth Policy Area), DEV20 (Place shaping and the quality of the built environment), DEV30 (Trees, Woodlands and Hedgerows), and DEV31 (Specific Provisions relating to transport) of the JLP, and the National Planning Policy Framework (NPPF) 2012. The primary planning considerations in this case are the impact on neighbour amenity, the impact on the character and appearance of the area and the amenity of future occupants.

### Principle of Development

3. The site has an established use as a residential care home which addresses increasing demands of Plymouth's ageing population. The use is therefore established and the considerations relate to its extension rather than to the principle of the use.

4. The Joint Local Plan (DEV 7 and section 6.29) and Strategic Housing Market Needs Assessment (SHMNA) evidence (Appendix 6) sets out to deliver a wide choice of high quality homes to create sustainable, inclusive and mixed communities. It refers specifically to the need for smaller dwellings most suited to younger and older people and to the need for housing suitable for households with specific needs. The Housing Delivery Team and Community Connections response supports to the need for specialist health care provision for our ageing population.

5. SHMNA evidence (Appendix 6) sets out that the city needs 1,188 additional residential and nursing bed spaces by the end of the plan period, but these need to be focused on the correct type of bed spaces to best meet the client group needs rather than simply volume. It states that support will be given to schemes offering best outcomes for clients which tend to be found (by CQC inspection results) in smaller residential homes. The proposal site would meet this criteria of a smaller residential home.

## **Amenity**

### **Intensity of Use**

6. The permission 09/01646/FUL, which allowed for a 12 bedroom rear extension L-shape extension including a lower ground floor element, although granted some years ago is considered by officers to be an extant consent and therefore can be implemented without the need for an additional planning consent.

7. The current application proposes that the number of bed spaces in the care home will be 37 plus the 12 from the extant permission 09/01644/FUL. The refusal application 17/0123/FUL proposed 42 bed spaces plus the 12 from the extant permission. However, the reduction in bed spaces is complicated by a reconfiguration of rooms that has recently taken place.

8. The closest neighbour impacted by the development is 88 Plymstock Road to the east. The first floor extension has been designed with a flat roof so its height is at a minimum to create a first floor above the existing ground floor extension. The windows on the east side have been designed to protrude in triangular bays with 3 forward (south) and one rear (north) facing windows and obscure glazed sides. These windows have been designed to limit overlooking of the neighbouring property.

9. Officers have carefully considered the impact on no.88 and have concluded that whilst the design has taken account the impact on the neighbour will still be contrary to policy and guidance set out in the Development Guidelines SPD. The unreasonable impacts are outlined below.



10. Outlook - The most impacted window is the principle bedroom (habitable room) window which is unusually, side facing. No 88 Plymstock Road benefits from an open outlook and distant views visible above the existing roof slope of the rear extension. This outlook will be replaced by a vertically clad wall, approximately 1.5 metre above the existing ridge, and a limited amount of sky above. Whilst the increase in height may be considered modest, when viewed from the bedroom, it is considered by officers to significantly reduce this open outlook. The window to wall separation is approximately 7 metres which increases from approximately 7 metres to 10 metres as the roof slopes away. A separation distance of 12 metres is required as noted in the Development Guidelines SPD paragraphs 2.2.30 and 2.2.31 which in this case does not comply with minimum acceptable standards.

11. It is acknowledged that this bedroom benefits from a dual-aspect, with two narrow windows that face north - down the garden. However, these north facing windows, due to their size and position, offer limited outlook and are considered secondary to the west facing window.

12. When viewed from the garden - including the decked area which wraps around the west side of the rear of the property and part of the front garden closest to the house - the creation of the first floor in such close proximity to the boundary, is considered to result in an overbearing and dominant impact, compared to the existing. This is again contrary to the SPD guidance and policy. Other windows/rooms may be impacted but to a lesser extent and not unreasonably so in Officer's view.

13. Light - The proposal is to the west of number 88 and therefore is likely to result in loss of light and direct sunlight to the neighbouring property particularly during the afternoons/evenings. No. 88 benefits from a relatively large rear garden but the decking area (detailed above) is likely to be used as the primary outdoor amenity area for this dwelling. As the rear of this property is north facing, the loss of direct sunlight in the afternoons and evenings is considered significant in this instance, and is likely to result in a significant loss of enjoyment of this part of the garden. This loss of light, combined with the dominance of the proposal by virtue of its proximity and height, is considered to be unreasonable. The SPD guidance on light focuses on the impact on light to windows/rooms. Officers do not consider the loss of light to the neighbouring windows/rooms would be unreasonable in this case. Similarly, the proposed extension would result in further impact on the 45 degree rule whereby the extension at first floor level would potentially reduce natural light to the nearest habitable rooms at No 88.

14. Privacy - The design of windows is intended to allow a forward (south) facing views from 3 rooms and one to the north/rear. Officers consider this window design will go a long way to mitigate overlooking of the most private parts of the adjoining garden, however, it will result in some increased overlooking of the neighbouring garden - specifically the area

around the front door and to the front of the garage, which is well set back from the road and is screened from view of existing windows.

15. Noise is another issue raised in letters of representation. There are no records of noise complaints relating to the property and the level and frequency of noise disturbance from the existing comings and goings, deliveries and collections is not clear. In response to these comments, the applicant has submitted further detail on the current collections and deliveries, these include: food deliveries 3 times a week, refuse collection weekly, hazardous waste weekly, septic tank emptied 2-3 times a year. The applicant contends that the enlargement of the home will not increase the frequency of the deliveries but the quantity will.

16. Officers do not consider these deliveries or collections alone would result in unreasonable noise disturbance to neighbours. However, it is acknowledged that there is currently no planning control over the frequency or times of deliveries, and whether these increase as a result of the proposal. Furthermore, the proposed enlargement of the home, will undoubtedly result in increased movements from the property in terms of staff and visitors.

17. The property is situated on Plymstock Road which is a classified road and a bus route. This is a predominantly residential road but is relatively busy due to its relatively close proximity to the district shopping centre of Plymstock and the number of residential roads it serves. As such, comings and goings along this road during the day are high. The question therefore, is whether the proposed enlargement of the home will significantly and unreasonably increase the intensity of the use, to an extent that it changes the character, and results in unreasonable harm on neighbouring amenities.

18. In terms of noise from windows, the proposed room use as bedrooms are not generally noisy, although the neighbours have reported hearing shouting from confused residents. Given the very close proximity of the proposed windows to the boundary, such noises are likely to be clearly audible from the neighbours bedroom when windows are open. This further adds to the Officers' concern about the impact the proposed extension will have on the neighbouring residential amenity. Therefore in conclusion on noise issues officers consider that the noise created through the proposal will add to the general impact on the amenity of local residents rather than being a specific harm through unreasonable noise.

### **Impact on parking and highway safety**

19. Letters of objection received noted substantial impact on traffic and comings and goings at the site with noise and associated environmental impacts to neighbours and road users. The consent seeks to mitigate this through designated staff parking for 9 bays to the rear of the property. A previous application set out that the hardstanding to the rear was

previously used as car parking, and use of this area for car parking was also permitted as part of consent ref 17/01236/FUL.

20. In order to reduce noise and other impacts with access to the rear, the applicant is in support of a condition to limit hours of use to the proposed rear car park. Officers consider this would be an acceptable way to address objectors' concerns on this matter.

21. The Local Highways Authority confirms that it is not possible to provide two-way access to the rear but as the intention is for staff parking only it is accepted that conflicts will be minimal and the route, being inter-visible, will ensure drivers can wait until the route is clear. Shift patterns would further reduce the potential for conflict as well as vehicle flow will be tidal in nature.

### **Other -Trees**

22. Officers note that the proposed extension will have no impact on trees but the access and new parking to the rear will. The tree survey provided along with the Tree Constraints Plan, Tree Protection Plan and initial Arboricultural Method Statement are adequate. This resubmission does not have any additional impact on trees therefore the comments and conditions from the previous application still stand and are repeated.

### **Viability**

23. The applicant does not set out any risks to the viability of the care home's operations in the event the application is refused and therefore viability has not been a specific consideration in the officers' assessment of this application.

### **Design/Streetscene**

24. The proposed first floor link is set well back from the front of the original dwellings (90 and 92), and is proposed be flat roofed, contemporary design and set well below ridge height. This will be visible from the street. The linking of the two buildings has already been established from the ground floor link, and combined with the open layout of the front of the combined properties gives the appearance of one site. The proposal for a modern design and materials, will contrast with the original house and allow the original form of the property to be visible. In this context, Officers consider the additional link is acceptable in design terms , as it retains the original built form of the two dwellings, whilst not creating any demonstrable harm to the streetscene.

25. The proposed first floor extension is to the rear of no. 90, set behind the original two-storey house, with a flat roof which is set well below ridge level of the main house. Whilst it is large - projecting approximately 26 metres to the rear and 10 metres wide - the property is set back from the road and the pattern of development and existing trees will help to screen

the extension from public vantage points on Plymstock Road and is therefore not considered to harm the streetscene.

26. The site has a long rear garden and is set at a higher ground level than properties to the rear (north) and therefore the proposed extension will not be dominant when viewed from other vantage points. The key benefits of the proposal are the additional specialist support for bed spaces that would be provided in compliance with JLP policy DEV7 and as evidenced (1,188 additional residential and nursing bed spaces by the end of the plan period) in the SHMNA. The proposal would also create improved standard of accommodation for future residents.. These benefits have been weighed against the impacts of the development to the neighbouring residents and particularly no 88 Plymstock Road, and particularly the harm on the neighbouring residential amenities. On balance, Officers do not consider the benefits of the scheme outweigh the harm caused.

## **9. Human Rights**

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.

## **10. Local Finance Considerations**

None. As a Residential Institution, it will not attract any Community Infrastructure Levy under the current charging schedule.

## **11. Planning Obligations**

Not applicable for this application.

## **12. Equalities and Diversities**

The proposal has been considered in the context of adopted policies and it is noted that equality and diversity issues have been considered to be present in this proposal. The proposal has sought to address the needs and demands of the ageing population through provision of appropriate levels of care, access and delivery tailored to the specific needs of vulnerable end users.

### **13. Conclusions**

The key benefits of the proposal are the additional specialist support for bed spaces that would be provided in compliance with JLP policy DEV7 and as evidenced (1,188 additional residential and nursing bed spaces by the end of the plan period) in the SHMNA. The proposal would also create improved standard of accommodation for future residents. These benefits have been weighed against the impacts of the development to the neighbouring residents and particularly no 88 Plymstock Road, and particularly the harm on the neighbouring residential amenities. On balance, Officers do not consider the benefits of the scheme outweigh the harm caused.

### **14. Recommendation**

In respect of the application dated **02.10.2017** it is recommended to **Refuse**

### **15. Conditions / Reasons**

#### **1        DETRIMENTAL IMPACT ON NEIGHBOURING RESIDENTIAL AMENITIES**

The Local Planning Authority considers that the proposed extension, by virtue of its height, size, proximity to the boundary and windows, will result in an unreasonable and detrimental impact on the residential amenity enjoyed by the adjoining property, 88 Plymstock Road, including loss of outlook, noise disturbance, loss of privacy, light and enjoyment of outdoor amenity area. its scale and cumulative impact with planning consent 09/01646/FUL, will significantly increase the intensity of the use of the property as a Residential Care Home, and by virtue of the increase in activities, visitors and staff associated with this enlargement, will create a development that is incompatible with the surrounding residential area and is likely to be harmful to the residential character and result in an unreasonable disturbance of neighbouring properties The proposal is therefore contrary to policies CS02, CS19, CS22, CS28 CS34 of the Core Strategy and the detailed guidelines set out in the Development Guidelines SPD. Policies DEV1 (Protecting Health and Amenity), DEV2 (Air, Water, Soil, Noise and land), DEV 7 (Meeting local housing need in the Plymouth Policy Area), DEV20 (Place shaping and the quality of the built environment), DEV30 (Trees, Woodlands and Hedgerows), and DEV31 (Specific Provisions relating to transport) of the Joint Local Plan, and the National Planning Policy Framework (NPPF) 2012..

## **Informatives**

### **1      INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

### **2      REFUSAL (WITH ATTEMPTED NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and proactive way with the Applicant and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.