

**REPORT OF THE MEETING OF THE SITE INSPECTION GROUP HELD ON
MONDAY, 10 NOVEMBER 2008**

**(07/1039/08/F) Alterations and extension to Nursing Home to provide ten
additional bedrooms – The Lawns Nursing Home, Brixton, Plymouth
PL8 2AX**

Present: Cllr Cooper
Cllr Hicks
Cllr Rowe
Cllr Squire (Chairman)
Cllr Vint

Also in attendance:

Cllr Curtis – Brixton Parish Council
Mr M Elliott – Area Planning Officer

In introducing the application, the Area Planning Officer (APO) made particular reference to:-

- (A) the details of the proposal. The Group was advised that the application proposed a single storey extension to the rear of the nursing home, which would be linked to the first floor of the main building. The extension was to comprise of 10 bedrooms, a lounge / dining area, an office, hairdressing area and a shower room. Furthermore, an additional 14 car parking spaces would be created to the front of the nursing home. The APO also illustrated to Members the associated elevations of the proposal;
- (B) the development boundary. The APO advised that letters of representation had stated that the proposal extended beyond the Development Boundary. It was noted that the boundary followed no physical feature and part of the site did fall outside of the village boundary and within an area designated as 'Countryside' in policy terms. The APO advised that officers were satisfied that the proposed extension was in accordance with the existing policy as it did permit in the Local Plan, the 'alteration and extension of existing buildings';
- (C) whether the proposals were unneighbourly. Members were informed that the proposals would not result in any direct overlooking to the neighbouring properties. Moreover, concerns had also been received in respect of additional noise, disturbance and smell. In response, the APO stated that Environmental Health Officers had been consulted and had raised no objections to this application;
- (D) the size and design of the extension. Being a subjective matter, the APO advised that it was at the judgement of Members to determine whether the size and design of the extension were appropriate. On balance, Members noted that officers were content with the size and design of the proposals;

- (E) some trees being the subject of a Tree Preservation Order. Following detailed discussions, the Landscape Officer raised no objections, subject to the inclusion of some conditions. The APO confirmed that these conditions had been incorporated into the officer recommendation;
- (F) the restrictive access. The APO acknowledged that visibility onto the A379 was restricted and traffic movement would inevitably increase if the proposals were approved. However, the County Highways Authority had considered the application and had raised no highways objections and therefore, it was considered that a substantive objection on highways matters could not be raised;
- (G) an objection letter received since the last Development Control Committee meeting. Officers advised that the objector, who had utilised the public participation scheme at the last meeting, had presented a further letter which was read to the Group (attached at Appendix A);
- (H) letters of support. The Group was advised that letters of support had been received from local medical practices. In addition, a 70 signatory petition in support of the proposals had also been received by officers.

In conclusion, and when taking everything into account, the APO advised that the officer recommendation on this application was one of conditional approval.

The Group proceeded to walk the footprint of the site and, in particular, noted the higher floor levels proposed.

The Parish Council (PC) representative stated that the PC supported the applicants' wish to expand the nursing home but did not support the proposal to extend outside of the Development Boundary. The representative stressed that an application for the next door property, which included proposals to extend beyond the Development Boundary, had been upheld on appeal by the Planning Inspector. The PC was concerned that granting permission of this application could set a precedent and was therefore recommending refusal.

In response, the APO stated that the Planning Inspector had also previously noted that the policy did permit such extensions.

The local Member in attendance, who was also the Chairman of the Group, echoed the comments of the PC representative in respect of the 10 metre breach to the Development Boundary. The Member questioned the value of having a Development Boundary if it was simply to be breached because it was linked to the main building. The Member expressed his strong concerns at this and advised that he could not support the application as presented.

In discussion, reference was made to:-

- (a) setting a precedent. The APO felt that this proposal would not set a precedent and the Group should consider the scale of the property. In principle, every property could have an extension, but each application should be looked at on its own merits;

- (b) the open countryside. In support of the application, a Member expressed the belief that the extension was merely part of the garden of the application site and should not be considered as open countryside;
- (c) the decision notice. To ensure that residents would be aware and to address any precedent concerns, the APO assured the Group that should planning permission be ultimately granted for this application, the decision notice would emphasise why this decision had been taken.

It was then by 4 votes to 1:-

RECOMMENDED

That in respect of application 07/1039/08/F, the application be conditionally approved.

Conditions

- 1 - TIM3 (Standard time limit 3 years)
- 2 - MAT2 (Samples submitted)
- 3 - MAT12 (Eaves and Verges Details)
- 4 - Non Standard
Car Park Construction Detail
- 5 - Non Standard
Car Park Provision
- 6 - TRE2 (Tree Protection Details)
- 7 - Non Standard
Land Contamination
- 8 - Non Standard
Land Contamination
- 9 - Non Standard
Land Contamination

Reasons for Approval

- 1 This application has been determined in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 which states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This application has been determined in accordance with approved Development Plan Policies; relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are South Hams Local Plan SHDC1, SHDC3, SHDC12, SHDC13, SHDC15 and LDF Core Strategy CS7 and CS9.

- 2 All consultations and representations, and relevant planning history, have been given due consideration and balanced accordingly when formulating this recommendation and conditions. Particular attention was given to the fact that the proposed extension straddled the Development Boundary. It is clear that whilst part of the site occupied by the extension lies within an area designated as 'countryside' in the Local Plan that planning policies do not prevent the alteration and extension to existing buildings. It is not considered that the proposal will set an undesirable precedent for future development proposals.

Informatives

This recommendation refers to drawings nos. TLNH./01 (location plan), TLNH./02, TLNH./03, TLNH./04 received on 27 May 2008 and car park layout plan received on 9 September 2008.

Subject: Fw: planning application 07/1039/08 The Lawns Brixton

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Hi Cat

I attended the planning committee meeting on the 29/10/08 and spoke objecting to these plans. I spoke before Mr Johnson spoke in support of the application as the architect for the owner of the Lawns. I realise that there will now be a site visit and that I am unable to speak directly to the planning committee on this matter further, but I would (if possible) like to bring the following points to the notice of the committee before they make a final decision;

1. The extension will go beyond the existing boundary by approx 30ft and its width will be a similar measurement. I think that to allow this would be inconsistent and would set a precedence for future applications. The question arises; would I or my neighbours be allowed to build such a large extension to the rear of our properties that was outside of village development boundary?
2. It was interesting to note that Mr Johnson stated that the reason for this application is that the current owner of the Lawns has submitted this application in order to maximise its value as he intends to sell the property within the next 10 years. Given that this is residential land and not employment land is this a valid reason to allow this over development for the profit of the owner, that will result in the original footprint of the house tripling in size?
3. Currently delivery vehicles are unable to enter the driveway and they are forced to park on the highway/pavement causing an obstruction to pedestrians and vehicles approaching the roundabout. There will be an increase in vehicular traffic if the extension is allowed.

kind regards

Mr Bernie Crean