

**12 DCNC2006/1215/F - EXTENSIONS TO EXISTING NURSING HOME TO ADD 16 BEDROOMS AND DAY ROOM LINK (INCLUDES DEMOLITION OF EXISTING SOUTH WING) AT 28 HIGHWELL LANE, BROMYARD, HEREFORDSHIRE, HR7 4DG**

**For: Miss K Rogers per Linton Design, 27 High Street, Bromyard, Herefordshire, HR7 4AA**

**Date Received:**

**18th April 2006**

**Expiry Date:**

**13th June 2006**

Local Members: Councillors B Hunt and P J Dauncey

**Ward: Bromyard**

**Grid Ref:**

**65199, 54234**

## **1. Introduction**

- 1.1 At the meeting on 12<sup>th</sup> July 2006, Members resolved to defer determination for further discussion regarding highway concerns. It was not possible to resolve the issues relating to the provision of passing bays along Highwell Lane.
- 1.2. Consequently, the proposal was revised, deleting reference to the erection of the extension of the east wing. The proposal is now for the replacement of the five bed south wing with a new 6 bed wing and the replacement day room link. This would result in a net increase of 1 bed space.
- 1.3. Further consideration of the application has been delayed awaiting the decision on a request to "list" the building. The decision has now been made not to add the building to the statutory list. Consequently, determination can proceed without reference to the requirements of the 1990 Listed Buildings Act and Regulations.

## **2. Site Description and Proposal**

- 2.1. The site lies within the settlement boundary of Bromyard, within a predominantly residential area, accessed via a narrow lane, Highwell Lane.
- 2.2. The amended proposal seeks a replacement for the existing south wing to provide 6 bedrooms, a net increase of 1 on the current potential bedspaces. The main part of new building measures approx 7.2m x 13.2m, with a narrower element to include the staircase, with a main ridge height of approximately 6.4m, dropping to 5.9m (when measured from the rear). These heights compare with 5.1m and 5.4m respectively. The rear elevation, situated along the boundary of the site has no openings other than two small roof lights along the corridor.
- 2.3. The new day room link remains as previously proposed, namely a single storey building linking the main house to the existing east wing.
- 2.4 The proposed parking bay submitted on 20<sup>th</sup> June is no longer part of the proposal.

### **3. Policies**

#### **3.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

S1 – Sustainable development  
S2 – Development requirements  
S4 – Employment  
S6 – Transport  
S11 – Community facility and services  
DR1 – Design  
DR2 – Land use and activity  
DR3 – Movement  
DR4 – Environment  
H1 – Hereford and the market towns: Settlement boundaries and established residential areas  
H16 – Car parking  
H18 – Alterations and extensions  
E6 – Expansion of existing businesses

#### **3.2 Malvern Hills District Local Plan**

Environment Policy 1: Location of development  
Environment Policy 12: Disposal of foul sewage, trade effluent and surface water  
Employment Policy 1: Employment land  
Employment Policy 3: Small scale enterprises  
Housing Policy 16: Extensions  
Housing Policy 13: Conversions to flats or nursing homes and other institutions  
Landscape Policy 8: Landscape standards  
Transport Policy 8: Car parking and servicing requirements  
Transport Policy 11: Traffic impact

#### **3.3 National Policies**

Planning Policy Guidance 3: Housing  
Planning Policy Statement 1: Sustainable development

### **4. Planning History**

642/79 – Extension to private residence. Approval 1 May 1979.

MH1203/83 - Conversion of existing dwelling and garage to a rest home for the elderly and private bedrooms. Approved 12 June 1983.

MH1959/84 - Garage and lounge extension. Approved.

MH0606/85 - Conservatory. Approved.

### **5. Consultation Summary**

#### Statutory Consultations

5.1 No comment yet in response to amended proposal.

- 5.2 The Primary Care Trust previously objected to the provision of a parking bay close to the community hospital. This is no longer proposed.

Internal Council Advice

- 5.3 Transportation Manager – no objection.

## 6. Representations

- 6.1 Bromyard Town Council resolved to support the application.

- 6.2 In response to the amended proposal 8 objections have been received from

- Mrs. McCallum, 11 Highwell Avenue
- R. Silcock, 26 Highwell Lane
- Mr. and Mrs. J. Harris, 22 Highwell Lane
- L and J Normal, Heron Lodge, Highwell Lane
- Wall James & Davies on behalf of Mr. and Mrs. Welsey, 34 Highwell Lane, they have also written on their own behalf.
- Mrs. J. Jones, 18 Highwell Lane
- Mrs. E. Crewdan, 3 Highwell Lane.

- 6.3 The main points are summarised below:-

- 6.3.1 The lane is too narrow for additional traffic.
- 6.3.2 Capacity problem with sewers.
- 6.3.3 Loss of historic building.
- 6.3.4 Precedent for further development.
- 6.3.5 The south wing was previously used for the owners family and staff use, not elderly residents.
- 6.3.6 Nuisance during construction work.
- 6.3.7 The ridge height increase will cause loss of amenity to occupier.
- 6.3.8 Geological faults/springs will cause problems.

## 7. Officers Appraisal

- 7.1. Members will recall their visit to this site, prior to the meeting in July last year. The issue at the time appeared to be related to the increase in traffic along Highwell Lane.
- 7.2. The reduction in the proposal has resulted in no objection being raised by the Transportation Manager. Whilst, as a number of objectors point out, the south wing was not used for residents, but the family of the owner and staff, the net increase in bed spaces is 1. Even with full occupancy of the south wing by new residents, rather than family and/or staff, it is not considered that the increase in traffic likely to be generated is significant.
- 7.3. Problems relating to sewer capacity are largely caused by storm water run off, which would not be significantly different as a result of this proposal. Welsh Water has no objection.

- 7.4. It is not considered that the increase in the ridge height of the new building is so detrimental to the amenity of the neighbour to justify refusal. Since the building is not to be listed there is no policy obstacle to its demolition.
- 7.5 Any issues relating to the geological suitability of the site would be addressed during the construction and building regulation stage.
- 7.6 A condition to limit times of operation during building works is suggested to safeguard amenity during this period.
- 7.7 In conclusion, it is considered that the amended proposals are sufficient to overcome the original concerns regarding the traffic issues. Remaining issues can be resolved by the imposition of conditions, consequently the application is recommended for approval as set out below.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 - A01 (Time limit for commencement (full permission))**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 - B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

- 3 - E18 (No new windows in specified elevation ) ( western elevation)**

**Reason: In order to protect the residential amenity of adjacent properties.**

- 4 - W01 (Foul/surface water drainage )**

**Reason: To protect the integrity of the public sewerage system.**

- 5 - W02 (No surface water to connect to public system )**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.**

- 6 - W03 (No drainage run-off to public system )**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**

- 7 - W04 (Comprehensive & Integrated draining of site )**

**Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.**

8 - G02 (Landscaping scheme (housing development) )

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

9 - G05 (Implementation of landscaping scheme (general) )

Reason: In order to protect the visual amenities of the area.

10 - G06 (Scope of landscaping scheme )

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

11 - G09 (Retention of trees/hedgerows )

Reason: To safeguard the amenity of the area.

12 - H29 (Secure cycle parking provision )

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

13 - N19 Restriction on hours of working

Reason: To safeguard the amenities of the locality.

**Informatives**

1. N15 – Reason(s) for the Grant of PP/LBC/CAC

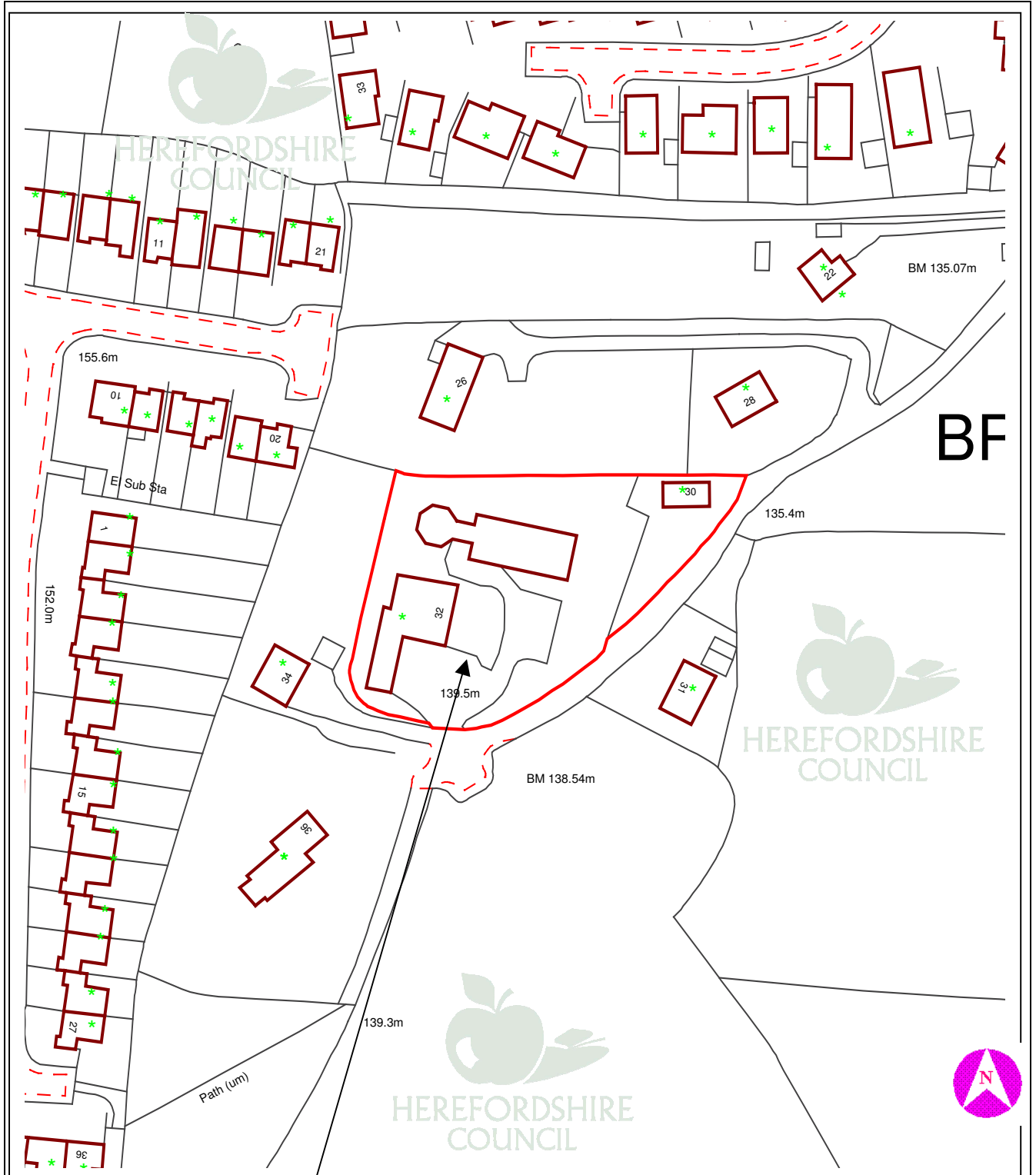
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**Background Papers**

Internal departmental consultation replies



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**APPLICATION NO:** DCNC2006/1215/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 28 Highwell Lane, Bromyard, Herefordshire, HR7 4DG

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**DCNC2006/1215/F - EXTENSIONS TO EXISTING****PREVIOUS OLD REPORT****HEREFORDSHIRE, HR7 4DG****For: Miss K Rogers per Linton Design, 27 High Street,  
Bromyard, Herefordshire, HR7 4AA****Date Received:****18th April 2006****Expiry Date:****13th June 2006**

Local Member: Councillors B Hunt and P J Dauncey

**Ward:****Bromyard****Grid Ref:****65199, 54234**

**This application was deferred from the Northern Area Planning Sub-Committee on 14 June 2006 following a resolution for a Members site visit.**

**1. Site Description and Proposal**

- 1.1 The site is within the settlement boundary of the market town of Bromyard, within a predominantly residential area.
- 1.2 The proposal is to extend the existing nursing home to add 16 bedrooms, plus a day room link. In addition, the existing south wing is proposed for demolition.
- 1.3 The proposal site is currently a 26-bedroom nursing home with an additional private house in its grounds. The nursing home currently covers 623m<sup>2</sup> and the total application site area is 0.3 hectares. The existing total floor area measures 865m<sup>2</sup>, whilst the new total floor area proposed would be 1252m<sup>2</sup>, an increase in floor area of approximately 45%
- 1.4 Nine existing car parking spaces exist and provision is made for 16 additional car parking spaces and one ambulance space in this proposal, together with alterations to the public highway. These highway alterations include a new passing bay as shown on the amended access plan, submitted 20<sup>th</sup> June 2006.
- 1.5 Drainage is catered for, with storm water disposed of in soakaways, and foul water in the existing main sewer.

**2. Policies****2.1 Malvern Hills District Local Plan**

Environment Policy 1: Location of development

Environment Policy 12: Disposal of foul sewage, trade effluent and surface water

Employment Policy 1: Employment land

Employment Policy 3: Small scale enterprises

Housing Policy 16: Extensions

Housing Policy 13: Conversions to flats or nursing homes and other institutions  
Landscape Policy 8: Landscape standards  
Transport Policy 8: Car parking and servicing requirements  
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## 2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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Planning Policy Guidance 3: Housing  
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## 3. Planning History

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MH1959/84 - Garage and lounge extension. Approved.

MH0606/85 - Conservatory. Approved.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: 'It has been confirmed by Linton Design (who are acting on behalf of the developer) that the surface water from the existing property will be redirected from the public sewerage system in order to offset the increase in foul flows from the development. We therefore do not have any adverse comments to raise in respect of this planning application subject to conditions being incorporated within the planning permission.'
- 4.2 Primary Care Trust: An objection has been received, with respect to concerns on the access and proposed passing bays, and related concerns for the health and safety of hospital occupants and facilities.



Internal Council Advice

- 4.3 Transportation Manager: Recommends that any permission which this Authority may wish to give include the following conditions: H29, H9, H13, H17 (works), H30, plus highway notes HN1, HN4, HN5, HN7, HN10 AND HN22, and a S106 or 278 agreement to develop the highway to suitable "Adopted" standards.

During the site visit Members were advised that TRICS data indicates that out of town centre nursing homes generate 3.85 two way trips per day per resident.

- 4.4 The Environmental Health Manager has not responded to the proposal at the time of typing this report.

**5. Representations**

- 5.1 The Town Council have objected to the proposal, as follows:

'Concern was expressed at the inadequacy of Highwell Lane to serve the extensions proposed, the potential for overlooking a neighbouring dwelling, the inclusion within the site of adjoining land in separate ownership and Welsh Water's current embargo on new buildings in the town. It was therefore resolved not to support this proposal for the following reasons:

The narrow, winding lane which is devoid of footways, providing the sole vehicular access to this nursing home, is totalling inadequate in width, layout and forward visibility to serve the additional commercial and private traffic, including ambulances, which will be generated by this proposal.

The 6 windows proposed in the west elevation of the 2 storey extension proposed on the south-western edge of the site will overlook the adjacent dwelling (no. 34 Highwell Lane) to the detriment of the residential amenities of same. Although all those windows are intended to have obscured glass, it is noted that they have opening lights, thereby facilitating overlooking.

Both the location plan and the site layout plan accompanying the application include land adjoining the south-west extension proposed which is within the garden of an adjacent dwelling (no. 34 Highwell Lane).

The Council is aware that a local resident has recently received a letter from Welsh Water which place an embargo upon any further building in Bromyard on account of the town sewerage works being overloaded. The present proposal, if allowed to proceed, would cause additional overloading of same.'

- 5.2 Letters of objection have been received from:

- 31 Highwell Lane, Bromyard, Herefordshire HR7 4DG
- 34 Highwell Lane, Bromyard, Herefordshire HR7 4DG
- 22 Highwell Lane, Bromyard, Herefordshire HR7 4DG
- High Ridge, 26 Highwell Lane, Bromyard, Herefordshire HR7 4DG
- Heron Lodge, Highwell Lane, Bromyard, Herefordshire HR7 4DG
- Thatado, Highwell Lane, Bromyard, Herefordshire HR7 4DG
- The Braes, 28 Highwell Lane, Bromyard, Herefordshire HR7 4DG
- Highlands, 18 Highwell Lane, Bromyard, Herefordshire HR7 4DG

5.3 The key issues concerning local residents can be summarised as follows:

- inadequate entrance way
- highway safety
- inadequate access road
- inadequate drainage facilities
- loss of amenity, i.e. overlooking
- detrimental impact on adjacent trees
- overbearing mass and scale of the proposal and inappropriate design
- overdevelopment

Following the site visit by Members the applicant's agent advises: Because some of the existing rooms are shared by two people, I can confirm that the resultant total number of bedspaces, should the applicant be granted, will be 40. This is an additional 12 residents and not the 16 as I previously suggested.

From the records of Highwell House, (going back to 2002), there has never been more than five visitors per day (apart from visiting planning sub-committee members). The statistics quoted by your Transportation Manager do not seem appropriate to this property.

The layout of the proposed passing bay adjacent to Froome Bank Hospital is outlined on drawing 1261/100 (additional copy enclosed). The adjoining land owner has agreed to this layout.

My client has the support of the Primary Care Trust and Social Services Department for this proposal for which she already has a waiting list.

In owning and managing Highwell House and Whitegates my client always uses local suppliers and expertise and is keen to continue supporting the Bromyard community with this development.

5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

6.1 The key issues regarding this full application are as follows:

- Highways and access issues
- Inadequate drainage capacity/facilities
- Loss of residential amenity
- Loss of trees
- Overbearing and inappropriate scale and design on the original property

### Highways and access issues

6.2 Local residents' concerns are noted. However, with this proposal the access arrangements are mitigated by the addition of one access. Recommended conditions and a S278 highways agreement would help mitigate highways concerns.

Inadequate drainage capacity/facilities

- 6.3 Again, local residents and the Town Council have expressed concerns regarding local drainage matters, a concern publicly stated in relation to other cases. In this instance, however, the application includes removing storm water from the public sewers and using soakaways instead, which removes the majority of existing flows as well as the majority of proposed flows. Welsh Water raise an objection to the drainage arrangements proposed by the applicant and appropriate conditions would be attached to any permission granted. An amended has been submitted in this respect.

Loss of residential amenity

- 6.4 The Town Council and local residents have objected to the proposal on this ground. The proposed plans indicate that the proposed footprint is merely a rationalised footprint on the western perimeter to that which already exists, so the issue is the proposed fenestration detailing rather than the building per se. The existing building has no windows detained on the western elevation. The original proposal had 6 windows with obscure glazing and fanlight openings. However through further negotiation an amendment has been accepted which removes all windows, except two small rooflights, from this western elevation which mitigates these concerns in all respects.
- 6.5 A condition ensuring that no new windows can be introduced into the western elevation is recommended.

Loss of trees

- 6.6 This is a matter for the relevant interested parties to discuss, as the trees in question are not on the applicant's land and are not therefore material to the consideration of this application.

Overbearing and inappropriate scale and design on existing property

- 6.7 The existing buildings cover a considerable site area, 623m<sup>2</sup>, including two buildings of considerable age with modern extensions. The south-western building, proposed for demolition and rebuilding incorporated very little additional floor space, but rationalises the building layout.

The Link Day Room effectively joins the two existing properties. In your officer's opinion, this provides an essential facility for occupants of Highwell House and comprises this part of the current development.

The proposed extension to the eastern section adds to a site facilities and is not considered detrimental, in your officer's opinion.

- 6.8 It is considered that the combined volume of extension within the context of existing buildings on this relatively spacious plot are such that there would be no serious adverse impact upon the original building or the wider character of the site and surrounding area. In terms of additional floor space the proposals would increase the footprint of the buildings by a relatively modest 45%.

Conclusions

- 6.9 In conclusion, though the neighbours' and Town Council's objections are noted, these are mitigated by the improved access arrangements, improved storm water disposal (and recycled water suggestion), and the amended plans removing all fenestration adjacent to the neighbour's property at 34 Highwell Lane.
- 6.10 The proposal is therefore recommended for approval with a condition requiring a Section 278 highway agreement that provides for the upgrading of Highwell Lane to adopted standards to the satisfaction of the County Highways Engineer.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 - No development hereby permitted shall be commenced until a S278 highway agreement has completed in relation to the passing bays, and that work has been completed in accordance with that agreement.**

**Reason: In the interest of highway safety.**

- 3 - A09 (Amended plans )**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

- 4 - B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

- 5 - E18 (No new windows in specified elevation ) ( western elevation)**

**Reason: In order to protect the residential amenity of adjacent properties.**

- 6 - E02 (Restriction on hours of delivery )**

**Reason: To safeguard the amenities of the locality.**

- 7 – E 10 (Use restricted to that specified in application ) (Nursing Home)**

**Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard [.....].**

- 8 - E15 (Restriction on separate sale ) (Highwell House)**

**Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.**

9 - W01 (Foul/surface water drainage )

Reason: To protect the integrity of the public sewerage system.

10 - W02 (No surface water to connect to public system )

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

11 - W03 (No drainage run-off to public system )

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

12 - W04 (Comprehensive & Integrated draining of site )

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

13 - G02 (Landscaping scheme (housing development) )

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

14 - G05 (Implementation of landscaping scheme (general) )

Reason: In order to protect the visual amenities of the area.

15 - G06 (Scope of landscaping scheme )

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

16 - G09 (Retention of trees/hedgerows )

Reason: To safeguard the amenity of the area.

17 - H29 (Secure cycle parking provision )

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

18 - H09 (Driveway gradient )

Reason: In the interests of highway safety.

19 - H13 (Access, turning area and parking )

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

20 - H17 (Junction improvement/off site works )

Reason: To ensure the safe and free flow of traffic on the highway.

21 - H30 (Travel plans )

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

22 - F39 (Scheme of refuse storage )

Reason: In the interests of amenity.

I Informatives

- 1 - N02 - This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN07 - Section 278 Agreement
- 6 - HN10 - No drainage to discharge to highway
- 7 - HN22 - Works adjoining highway

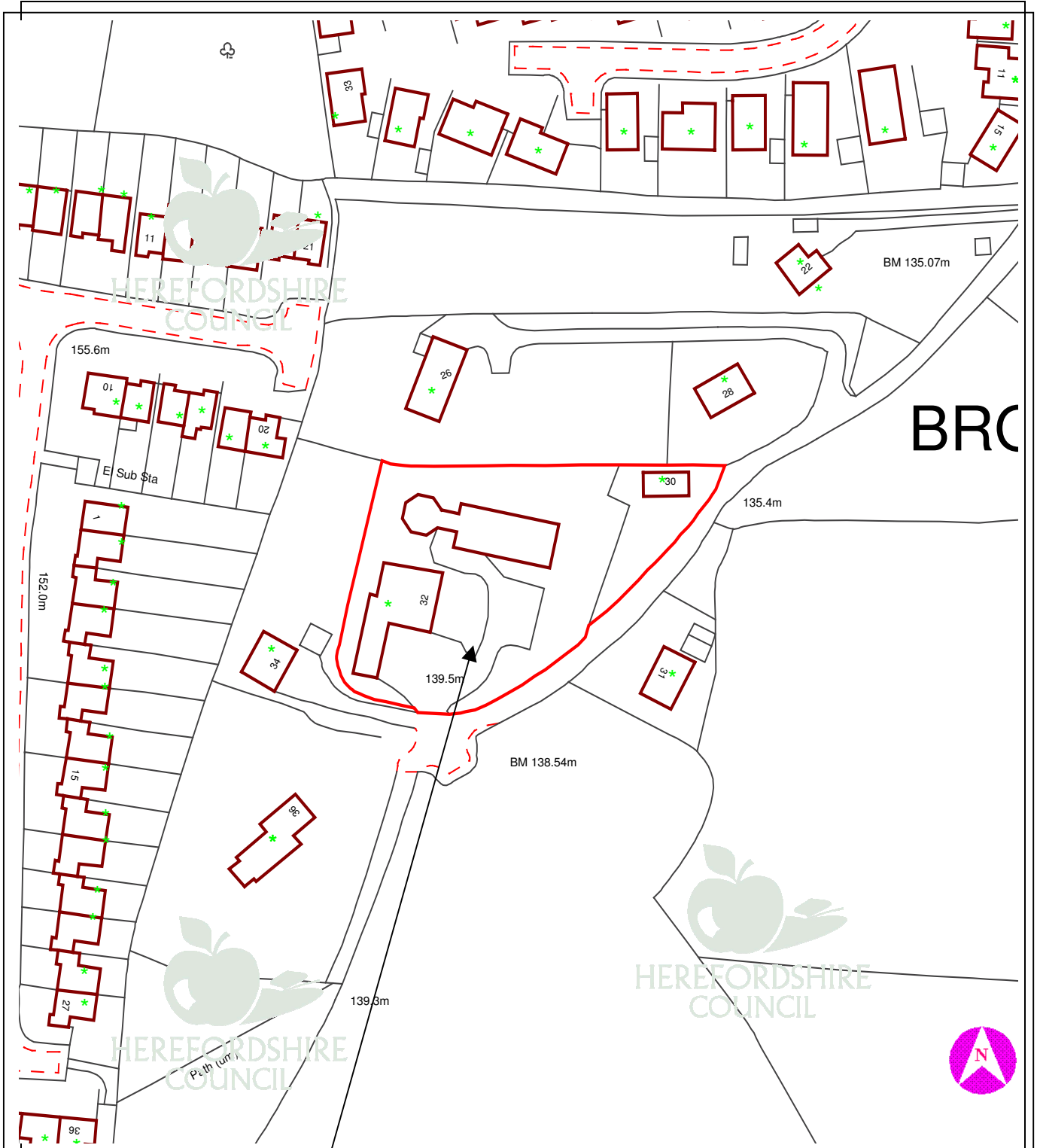
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2006/1215/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 28 Highwell Lane, Bromyard, Herefordshire, HR7 4DG

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