

8 DCNC2009/0872/F - CHANGE OF USE FROM RESIDENTIAL TO C3 CARE HOME. BUCKFIELD HOUSE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8QX.**For: Inspiration Care Ltd per GC Smith Build Plans Inc. 3, Summer Hollow, Broadmore Green, Rushwick, Worcester, WR2 5TE.**

Date Received: 20 April 2009
Expiry Date: 15 June 2009

Ward: Leominster North Grid Ref: 48687, 58972

Local Members: Councillors JP French and P Jones CBE

1. Site Description and Proposal

- 1.1 The application site lies on the northern side of Barons Cross Road within the Conservation Area. Buckfield House is a large nineteenth century house set back some considerable distance from the road. Within its grounds are a number of mature trees that are protected, including a marvellous cedar tree on the road frontage. The total site area is approximately 0.4 hectare.
- 1.2 A private drive off Barons crossroad serves the property. However, also served off that private drive is a detached house known as 'The Cedars'. The spurred drive to that property is set in some 9.5 metres into the site. The driveway to 'Buckfield House' itself raises initially, then winds to the right and then left before reaching the house. At present there is sufficient space to park some five cars upon the site.
- 1.3 Along the northern boundary of the site is a tall coniferous hedge.
- 1.4 To the north of the site are houses that front 'Woodfen Crescent', whilst to the west are dwellings that front 'Buckfield Road'. Two other dwellings along 'Barons Cross Road' (i.e. 'Tree Tops' and 'Tall Pines') abut the site.
- 1.5 More significant is the fact that to the east and physically attached to 'Buckfield House' is 'Buckfield Keep', another dwellinghouse. It is assumed that this was originally the servants' quarters. The boundary between these houses has a stone wall. To the front the wall has an initial height of some 1.8 metres before dropping to 1.4 metres, whilst to the rear the wall is some 1.4 metres high.
- 1.6 The proposal is to change the use of the property from a single family dwellinghouse to a residential institution (Use Class C2 of the Use Classes Order). Specifically it is proposed that five adults, over seventeen years of age, with learning difficulties reside in the house. The occupiers of the house would be supported by trained carers. Over a 24-hour period there would be two shifts. The daytime shift (7.30am - 7.30pm) would be staffed by five carers providing a staff / resident ratio of 1:1. These staff could generate 10 vehicle movements arriving to and departing from work. However, some may live locally and use other modes of transport or car share. The night-time shift (7.30pm - 7.30am) would be staffed by two members of staff, one would be awake whilst the other sleeps. These staff are likely to generate 4 vehicle movements arriving to and departing from work. In addition to the above, each resident may attract one visitor per week whilst other professionals would also visit the site (say 4 vehicle movements a day). It is envisaged that each resident will spend the days either undertaking education /

training and / or at a work placement. Until one knows the precise location of these activities one is not able to predict the mode of travel and the number of vehicle movements. Nevertheless, at this stage it would be fair to assume that the property would attract between 20-30 vehicle movements a day.

- 1.7` There are no extensions or external alterations proposed to the property. Indeed alterations to facilitate the change of use are limited to internal alterations. Given that the building is not listed, these works do not require consent.

2. Policies

2.1 Central Government advice

Planning Policy Statement 1 - 'Delivering Sustainable development'
Planning Policy Guidance Note 13 'Transport'
Planning Policy Guidance Note 15 'Planning and the Historic Environment'

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S6	-	Transport
S7	-	Natural and historic heritage
T11	-	Parking Provision
DR2	-	Land use and activity
DR13	-	Noise
HBA6	-	New development within conservation areas
CF7	-	Residential and care homes

3. Planning History

- 3.1 None relevant

4. Consultation Summary

Statutory Consultations

- 4.1 None applicable

Internal Council advice

- 4.2 The Environmental Health Section has made detailed comment that is reflected in the appraisal and conditions below.
- 4.3 The Transportation Section has made detailed comment that is reflected in the appraisal and conditions below.

5. Representations

- 5.1 The Special Interest Research group support the application. They stress the need for such accommodation and the professionalism of the applicants.
- 5.2 Herefordshire Headway supports the application. They stress the need for such accommodation and the professionalism of the applicants.

- 5.3 The Leominster Town Council recommend approval of the application. However, they stress the need for adequate sound proofing between the party wall and that any issues with regard foul drainage are resolved.
- 5.4 The occupiers of three dwellings in the immediate vicinity object on the following summarised grounds:-
- a neighbouring resident has dealings with clients from this organisation based at another Leominster residence. It is stated that approval of this planning application would mean that any future involvement through work would be complicated by the fact that they know where she lives, have easy access and the potential dangers that this would entail. It is claimed that she would be constantly afraid for her own and her children's safety;
 - concern as to adequacy of the safety of the vehicular means of access;
 - the development would devalue neighbouring properties;
 - the adequacy of the foul drainage arrangements;
 - noise to the occupiers of 'Buckfield Keep'- both within their house and garden. This noise would not only be generated by the use itself but also manoeuvring vehicles;
 - noise from Discos;
 - the use should be out-of-town;
 - a separate access should be created;
 - the works would degrade the fabric of the original building; and
 - three letters specifically stating that they have no objections have been received from local residents.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The application site lies within the built-up confines of Leominster. There is no evidence that this facility is not needed. The site is well located in terms of its proximity to the Town Centre, facilities and amenities / services. Furthermore Barons Cross Road is relatively well served by public transport. As such, the site is considered to be in a sustainable location readily accessible by a choice of modes of transport. Those residing, working or visiting the site may not be totally dependant on the use of the private motor vehicle. As such the proposal is considered to comply with policy CF7 (2) of the Herefordshire Unitary Development Plan 2007.
- 6.2 The garden / amenity space associated with the property is extremely generous and considered to be of a more than commensurate size with the number of residents, staff and visitors. As such, the proposal is considered to comply with policy CF7 (1) of the Herefordshire Unitary Development Plan 2007.
- 6.3 The existing vehicular means of access itself has good visibility in both directions and is considered to be safe.

- 6.4 It is considered that the primary issue to be addressed is that of noise and general disturbance.
- 6.5 The party wall between 'Buckfield House' and 'Buckfield Keep' has good noise insulation properties other than in one location. That location is the former doorway on the half-landing of the rear (former servants) stairway of 'Buckfield House' which is presently filled with a stud partition wall. However, this matter can be satisfactorily overcome by way of a condition requiring appropriate noise insulation measures. For example the stud partition could be removed and replaced with a double brick partition, plastered on both sides. This matter would also need to be addressed through the Building Regulations process.
- 6.6 The garden area is of such a scale that it is considered to be of a scale commensurate to the proposed use. The primary garden area being to the side (west) means that the area to the north (adjoining 'Buckfield Keep') is unlikely to be intensively used. It is not considered that the occupiers of neighbouring dwellings would suffer an undue loss of amenity in their houses and / or rear garden areas by reason of noise and general disturbance from the use of the garden area of 'Buckfield House'.
- 6.7 With regard to the issue of loud music referred to by some objecting local residents. Such a matter can satisfactorily be controlled via the Environmental Protection Act if a nuisance arises.
- 6.8 In terms of the vehicular means of access, there is no doubt that there would be a substantial increase in the number of motor vehicles using the driveway. However, given the separation distance from this driveway and the rear private garden and habitable rooms of 'The Cedars', it is considered that the occupiers of that dwelling would not suffer an undue loss of amenity by reason of noise and general disturbance of manoeuvring vehicles within their house and / or private rear garden area. It must be recognised that there is background noise at these properties from the traffic using Barons Cross Road itself.
- 6.9 The creation of a separate new access is not feasible without unduly impacting upon a tree or trees that are protected.
- 6.10 With regard to the issue of foul drainage, the proposal is to utilise the mains drain. It is understood that there is a recently laid 10 inch pipe through 'Buckfield Keep' that could be utilised. Otherwise an alternative direct connection to the mains sewer could be made. This matter would be addressed by the Building Control Section through the requisite Building Regulations process. The Building Control Section always liaise with the Sewage Undertaker who also ensure that any necessary connection works are undertaken by an approved contractor.
- 6.11 It is considered that the proposal preserves the character and appearance of the Conservation Area.
- 6.12 Matters of property values are not a material planning consideration.
- 6.13 The fear of crime expressed by one specific local resident does not arise from the development itself but from their own personal circumstances.
- 6.14 Whilst it is appreciated that the alterations to the first floor of the building may detract from its original plan form and character, 'Buckfield House' is not listed and as such these internal works do not in themselves require any form of consent.
- 6.15 I therefore recommend accordingly.

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 The use of the property hereby permitted shall be restricted to a maximum of five residents at any one time.

Reason: To ensure that the use is not so intense so as to create an undue loss of amenity by way of noise and general disturbance to the occupiers of neighbouring dwelling houses.

3 Prior to commencement of the development hereby permitted a scheme of noise attenuating measures for the former doorway on the half-leading of the rear (former servants) stairway of 'Buckfield House' which is presently filled with a stud partition wall shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The approved noise attenuation measures shall be fully implemented prior to the first use of the premises for the purposes hereby approved and shall thereafter be maintained as such.

Reason: To ensure that the occupiers of 'Buckfield Keep' do not suffer an undue loss of amenity by way of noise within their property.

4 Prior to commencement of the development hereby permitted a metric scaled plan detailing the provision of eight on-site car parking spaces together with on-site turning / manoeuvring areas such that motor vehicles can enter and exit the site in a forward direction shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The approved car parking, turning / manoeuvring areas shall be fully implemented prior to the first use of the premises for the purposes hereby approved and shall thereafter be maintained and kept available for the parking, turning / manoeuvring of motor vehicles.

Reason: To ensure satisfactory on-site vehicle parking provision, in the interests of highway safety.

5 H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

6 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

INFORMATIVES

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

2 Any additional hardsurfacing required by virtue of condition 4 above should be permeable.

3 N19 - Avoidance of doubt - Approved Plans

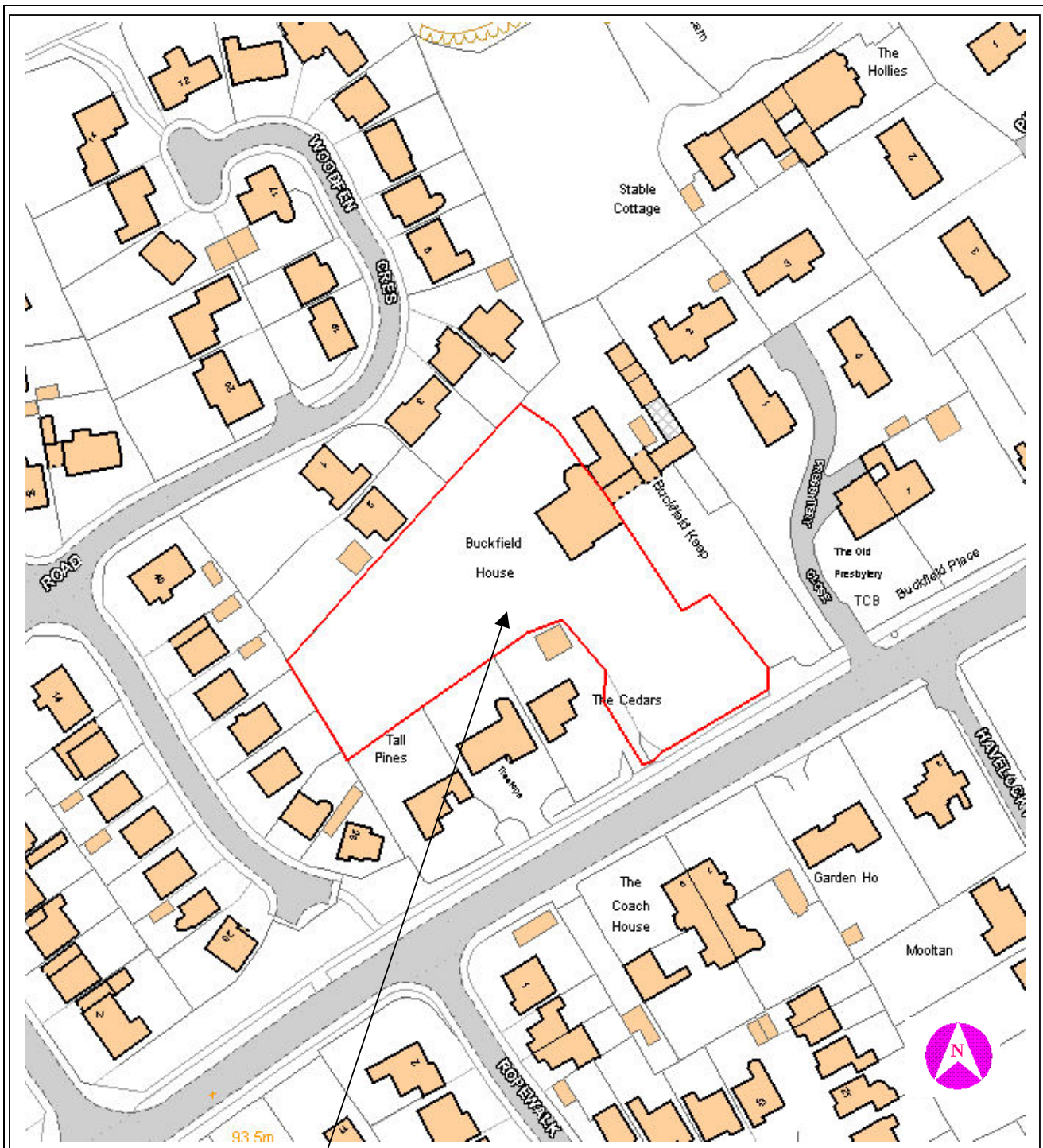
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2009/0872/F

SCALE : 1 : 1250

SITE ADDRESS : Buckfield House, Barons Cross Road, Leominster, Herefordshire, HR6 8QX

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