

**6 DCCE0009/1984/F - ERECTION OF NEW RESIDENTIAL CARE HOME WITH ASSOCIATED OFFICES AND FACILITIES. AT LAND TO THE SOUTH OF HIGHFIELD, ADJOINING HOLYWELL GUTTER LANE, HEREFORD, HR1 1UB**

**For: Martha Trust Ltd Per Mr A Jamieson, Jamieson Associates Architects, 30 Eign Gate, Hereford, HR4 0AB**

**Date Received: 25 August 2009**  
**Expiry Date: 18 December 2009**

**Ward: Backbury**

**Grid Ref: 353851,239270**

Local Member: Councillor JE Pemberton

**1. Site Description and Proposal**

- 1.1 The site lies on the eastern edge of Hereford City immediately east of Holywell Gutter Lane and approximately 140 metres north of the B4224 (Hampton Park Road). Immediately north is a detached property known as Highfield now converted into five flats and south and east of the site are existing commercial orchards. To the western side of Holywell Gutter Lane is an area of public open space serving the residential development beyond.
- 1.2 The site itself is 0.79 hectares and is largely overgrown with scrub and vegetation and with a number of mature and semi-mature trees within and adjoining the site. The southern and eastern boundaries are also enclosed by a row of mature Western Red Cedars. Vehicular access is obtained from Holywell Gutter Lane from the south and levels fall around 2 metres from north to south and west to east within the site. The site adjoins but falls outside of Hereford City Settlement Boundary as identified by the Herefordshire Unitary Development Plan.
- 1.3 Planning permission is sought for the construction of a single storey building to be used as a residential care home by the Martha Trust. Martha Trust is a non profit making charity that provides lifelong and day care respite for children and young adults with profound and multiple disabilities. They currently have a premise on Old Eign Hill opened approximately 13 years ago. The current proposal would be in addition to the existing facility.
- 1.4 The proposal will entail the alteration and widening of the existing vehicular access into the site to improve visibility along with alterations to Holywell Gutter Lane itself again for highway safety reasons. The access will then lead to a parking area for staff and visitors along with an additional service and bus parking manoeuvring area. The facility will comprise 14 residential bedrooms with associated offices, a therapy wing which will also contain a hydrotherapy pool and spa, lounge and dining room, kitchen, office and meeting rooms surrounded by landscaped gardens including sensory areas and therapy garden. The building has a curved form and a contemporary design constructed from a mixture of rendered elevations with feature

red cedar boarding and a cedar shingle roof. The building has a gross internal floor area of 1775 square metres and is 6 metres to the highest point of the roof.

- 1.5 The application is supported by a number of documents including a Design and Access Statement, Landscape and Visual Impact Assessment, Site Selection Report, Arboricultural Report, Ecology Report, Traffic Statement, Sustainability Statement and Drainage and Sewage Statement.

## 2. Policies

### 2.1 Planning Policy Guidance:

- PPS1 - Delivering Sustainable Development (including the PPS1 annexe on climate change)  
 PPS7 - Sustainable Development in Rural Areas  
 PPS9 - Biodiversity and Geological Conservation

### 2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable development  
 S2 - Development requirements  
 S7 - Natural and historic heritage  
 S11 - Community facilities and services  
 DR1 - Design  
 DR2 - Land use and activity  
 DR3 - Movement  
 DR4 - Environment  
 DR5 - Planning obligations  
 T6 - Walking  
 T7 - Cycling  
 T8 - Road hierarchy  
 LA3 - Setting of settlements  
 LA5 - Protection of trees, woodlands and hedgerows  
 LA6 - Landscaping schemes  
 HBA9 - Protection of open areas and green spaces  
 NC1 - Biodiversity and development  
 W11 - Development and waste implications  
 CF5 - New community facilities  
 CF7 - Residential nursing and care homes

## 3. Planning History

- 3.1 None

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Welsh Water:

No objections subject to conditions of foul and surface water drainage.

#### 4.2 Ramblers Association:

Our only concern is traffic and impact during construction on Holywell Gutter Lane which is a bridleway. What mitigating considerations have been put forward by the developer including restrictions on traffic movements along Holywell Gutter Lane in the future?

4.3 Open Spaces Society:

We question whether the consent of the landowner has been obtained to use the bridleway for vehicular access. We recommend that now that the immediate area has become largely urbanised that the bridleway is made up to required specification and put forward for adoption with this developer covering the cost required to achieve adoptable standard.

Internal Council Advice

4.4 Traffic Manager:

To minimise the effect of additional traffic on the junction of Holywell Gutter Lane with the B4224, the land should be widened for a distance of 12 metres to provide stacking room for vehicles entering and exiting simultaneously. The proposed passing bay should be at a width of 4.8 metres and consideration should also be given to a new pedestrian access to the open space from Holywell Gutter Lane.

The applicants have agreed to these highway improvements and amended plans are awaited.

4.5 Public Rights of Way Manager:

The applicants should ensure that they have lawful authority to drive vehicles over the public bridleway which has to be granted by the owner of the land. Holywell Gutter Lane has bridleway status it will only have to be maintained to a standard suitable by pedestrians, horse riders and cyclists. Contributions may be required from the applicants in the future to ensure the lane is maintained to a higher standard suitable for vehicles. No materials should be stored on the lane and any changes to the surface of the bridleway must also be agreed by the Public Rights of Way Manager. The use of stone mastic asphalt surface is also not suitable for horse riders as confirmed by the British Horse Society.

4.6 Conservation Manager - Ecology:

No objection subject to recommendations within the Ecologist's Report including requirement for a full Working Method Statement being agreed with the local planning authority prior to the commencement of the development.

4.7 Conservation Manager - Landscape and Trees:

The landscape and visual impact assessment is accurate and fair, follows accepted and recognised guidance and illustrates that the proposed building will have little impact on the quality and character of the landscape. I am satisfied that the innovative and imaginative design is of both a form and utilises materials that will result in the building blending comfortably into wider and immediate landscape.

In general the most important trees and those in best condition have been successfully incorporated into the design and layout of the site. Proposed tree and hedgerow planting more than compensates for the few good, and many poor specimens to be lost. Whilst the development does require the removal of a number

of trees that are considered to be of good arboricultural quality they are of low visibility and amenity value.

Furthermore, the detailed proposed landscaping scheme is well-considered, sympathetic to the site and surroundings and complements the proposed building. The combination of imaginative architecture and well-considered landscaping will result in an immediately coherent and useable development. I would recommend attaching standard conditions concerning tree protection landscape implementation and maintenance.

In conclusion, I would suggest that this application is exemplary in both the quality of information submitted and the design of building and landscaping proposed. The loss of some trees of reasonable quality from the site will be more than compensated for by the proposed landscaping and a long-term investment in the future of the site.

- 4.8 Forward Planning Manager:  
Comments awaited.

## **5. Representations**

- 5.1 Hampton Bishop Parish Council:

The Parish Council supports the principle of the application but requests the following matters are addressed:

1. Appropriate drainage arrangements including prevention of surface water run-off on to adjoining land.
2. Consideration of future developments in the area to avoid piecemeal development.
3. Safe access and egress arrangements to the site on to the B4224.
4. If Section 106 monies are available, the Parish Council suggest they be put for traffic calming in the parish including reduction of the current speed limit of 40mph, a speed indicator device, zebra crossing, cycle paths and extension of footpath towards the centre of Hampton Bishop and Mordiford.

- 5.2 Hereford City Council:  
No objection.

- 5.3 Five letters of objection have been received principally from residents of Highfield, the main points raised are:

1. The access to the lane from the B4224 is narrow which will increase in the risk of vehicles having to wait on the main road causing a danger to highway and pedestrian safety.
2. The site is full of rare plants and trees including significant wildlife such as buzzards, bats, tawny and barn owls.
3. The development will operate 24 hours a day and cause increased noise and light pollution.
4. The development will be a visual intrusion into the landscape as a result of the removal of nearly all the established trees.
5. The development will result in a significant increase in vehicular traffic on Holywell Gutter lane which is narrow with limited passing places which in themselves are often used for parking.
6. No provision is made for cyclists, walkers or horse riders including parking areas for walkers.

7. The development will be out of keeping with the residential character of Holywell Gutter Lane.
  8. The development is outside of the city boundary.
  9. Policy H10 is not relevant as it relates to affordable housing.
  10. The UDP defines the land as open space and the development would therefore be contrary to Policy HBA9 which seeks to protect open spaces which form an integral part of a settlements character.
  11. Visibility from Holywell Gutter Lane is poor due to existing hedgerows and the fact the lane is unlit.
  12. There is no safe pedestrian access for Martha Trust staff and visitors from their existing site to the proposed site. The development is also therefore contrary to Policy T6 of the UDP which requires provision for pedestrians and wheelchair users to be taken into account with regard to the quality of the lane, width, surfacing, signing and lighting.
  13. The proposed widening of the existing passing bay will not be sufficient particularly during staff changeover time when there would be a turnover in excess of 20 vehicles and when events are held at the site.
  14. The scale of the building in floor area and height is excessive and would dominate the site and the design out of keeping with the local environment.
  15. There will be significant disruption to existing residents during construction.
  16. The development would devalue existing properties in the area.
- 5.4 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

## **6. Officer's Appraisal**

- 6.1 The issues to be considered in the assessment of the proposal are as follows:

1. The Policy Framework
2. Site Selection
3. Visual Impact, Design and Appearance
4. Highway Matters
5. Trees and Biodiversity
6. Residential Amenity
7. Construction Sustainability
8. Section 106 Requirements
9. Conclusion

### The Policy Framework

- 6.2 The site falls outside of the identified settlement boundary for Hereford City and therefore in planning policy terms, falls within the open countryside. The proposal is for a residential care home and therefore Policy CF7 of the UDP contains relevant criteria. The first requirement of this policy is that any provision for new residential nursing and care homes will only be permitted where new residential development is acceptable or where they involve the environmentally acceptable conversion of existing buildings. Given the open countryside location of the site, new residential development would not ordinarily be permitted and the proposal does not result in the conversion of an existing building. As such, as a matter of fact, the development is contrary to Policy CF7 of the Unitary Development Plan.

- 6.3 Policy CF5 of the UDP concerning new community facilities is also relevant. The policy explains that community facilities can include provision of new facilities for youth, provision aiming to satisfy health, welfare and social needs whether provided by the public, voluntary or private sector. The policy does not specifically include residential care facilities but the proposal will undoubtedly satisfy specific health, welfare and social requirements for the future residents. Policy CF5 contains several criteria including a requirement that the development is located within or around a settlement that it is intended to serve. Under the terms of Policy CF5, therefore, the development is permitted on a site which adjoins a settlement boundary. Although this policy is relevant, it is considered the development is nevertheless still contrary to the primary policy for such proposals which is Policy CF7.
- 6.4 In making any planning judgement, other material planning considerations must also be considered alongside an assessment against adopted policy to establish whether there are other planning reasons why a development should be permitted, notwithstanding a conflict with adopted policy.

#### Site Selection

- 6.5 The Trust have a significant waiting list for their existing facility. Whilst the need does not solely emanate from Herefordshire, a high proportion of existing occupiers are from Herefordshire or neighbouring Counties. The need for a further facility within the County is therefore accepted.
- 6.6 The applicants have been searching for a new site within Herefordshire for the last seven years and have engaged over this period Knight Frank, Cross & James, Brightwells and Bill Jackson to assist in the search. The site selection requirements and criteria include a flat site of around 0.75 hectares (2 acres) in area that is accessible by public transport, within close proximity to local services such as hospitals, doctors and can accommodate a single storey building.
- 6.7 Over 20 sites have been considered and seven sites in particular within the county have been examined in some detail. These include sites at Leominster, Hampton Bishop, Stretton Sugwas and within Hereford City on the Edgar Street Grid, Aylestone Hill, Ledbury Road and Holbrook Close areas. Based on the information provided, the search appears to be extensive and not, in locational terms, too restrictive. A suitable site may come forward through the Local Development Framework process but it is likely to be some time before the LDF documents are adopted. The applicants do not appear to have explored a site on an existing residential development which is a weakness in the site selection search but the availability of such land even in the current economic climate is limited. The size of the required site also severely limits the land available.
- 6.8 It is considered that the site search has been sufficiently extensive and robust to demonstrate that there are currently no available sites that fully accord with planning policy and meet the applicant's criteria. Therefore the principle of the application site in locational terms is considered acceptable.

#### Visual Impact, Design and Appearance

- 6.9 The proposed building has a curved organic form that has been designed around some of the key landscape features of the site as well as the accommodation needs

of future residents. The building is undoubtedly large in footprint. However, it is considered that the scale and mass of the development is significantly diluted by the organic form of the development. The mass of the roof will also be softened with a pagoda style design and the use of cedar shingles which will give it a more natural appearance. It is also intended that the Cedar trees will be recycled for some of the cladding on the elevations.

- 6.10 The form effectively avoids the creation of hard edges that would exist with a more angular development thereby creating a softer appearance that integrates with the shape of the site and the mature trees to be retained. Public views of the site and development from further afield are limited but it is considered that a combination of the single storey scale of the development, the irregular form and natural materials for the roof will assist in minimising the visual and landscape impact of the development. This is even more important as the existing mature *Leylandii* trees along the southern and eastern boundaries are all to be removed which will open up the site to some extent.
- 6.11 The heart of the internal space will be an eye-shaped central roof which will be covered with Texlon pillows (the same material used at the Eden Project and the Swimming Centre at the Beijing Olympics). This transparent material enables the creation of an exotic indoor garden and conservatory area adjacent to the lounge and dining area creating a light and airy internal space. The internal central walkways serving various resident and therapy rooms will be double height providing natural ventilation lit by a continuous glazed roof light. The fenestration within the elevations has a horizontal emphasis to marry in with the profile and appearance of the development.
- 6.12 The development undoubtedly has an unusual form and a contemporary appearance. This is not in keeping with the traditional form of built development within the area as a number of objectors have commented. However, it is considered that the development will not be prominent within the immediate or wider landscape and has a form and materials that respects and assists in assimilating the development into the site. The design, appearance, visual and landscape impact are therefore considered acceptable.

#### Highway Matters

- 6.13 Holywell Gutter Lane, which will be used to provide access to the site is designated as a bridleway. The proposals include the widening of the first 12 metres of the lane to enable more than one vehicle to enter and exit simultaneously, the extension of the existing passing bay halfway between the junction and the site and the widening and alteration of the existing access to improve visibility. Adequate parking will be provided within the site including appropriate vehicle and service vehicle manoeuvring area along with a safe access.
- 6.14 The Traffic Manager considers that subject to these alterations there will be no danger to highway safety as a result of the development. In making this judgement regard has been had to the likely vehicular movements presented in the traffic statement. This was established by undertaking a traffic assessment of the Martha Trust's existing site. Measures encouraged by the Trust and currently operated at their existing site will be car sharing (21 members of staff presently share a car to work) along with pedestrian and cycle access to the site. However, it should be noted that general vehicle movements are also likely to be less than the existing site as the

principal administrative function will not be located at the proposed new site. Whilst the development will increase vehicular movements along the section of Holywell Gutter Lane, it is not considered that subject to the improvements to the lane there will be any danger to highway safety.

- 6.15 Given the status of Holywell Gutter Lane as a bridleway the impact on pedestrian, cyclists and horse riders must also be considered. In this regard the Public Rights of Way Manager does not object to increased usage of the lane. It is not considered that the provision of a footway along the lane as suggested by some objectors is appropriate as this would change the character of the lane from a green lane to a standard highway. Nevertheless, a new pedestrian link to the open space to the west from Holywell Gutter Lane is required as suggested by the Traffic Manager. This will provide an alternative pedestrian link for staff to the applicant's existing establishment. Cycle parking is also proposed within the site and the site is in relatively close proximity of the bus stop on Hampton Park Road.
- 6.16 The site is considered to be sustainable and accessible by modes of transport other than the private car and the general highway impact including impact on pedestrians, cyclists and horse riders is considered acceptable. This is subject to the applicants preparing a travel plan to encourage sustainable travel patterns to the site by staff.

#### Trees and Biodiversity

- 6.17 A detailed Arboricultural Assessment of the site has been carried out which has revealed the presence of 54 trees within and adjoining the site including several Category B and four Category A trees. Of the 54 trees, a large number are either redundant or are Category C (minor value) and there is no objection to the loss of these trees. However, the removal of Category A and B trees is unfortunate. Whilst it is accepted that the development will entail the removal of some trees of amenity value, it is considered that there is scope for the scheme to be modified slightly so as more existing mature trees can be retained within the site. The applicants are currently considering this matter.
- 6.18 A comprehensive landscape plan has also been provided identifying new tree planting both within and around the boundaries of the site which will assist in mitigating the impact of the development and the loss of existing trees. This conclusion is supported by the Conservation Manager (Landscape and Trees) at Para 4.6 where it is concluded the loss of some trees of reasonable quality from the site will be more than compensated for by the proposed landscaping and a long-term investment in the future of the site.
- 6.19 An Ecological Survey of the site has also been carried out including specific protected species surveys. The surveys have not revealed the presence of any protected species on site although the site is used as a foraging area by bats and birds. The recommendations of the Ecologist include the retention of further trees, the timing of any site clearance and the phased removal of trees that are accepted to be removed. All these factors can be controlled by condition. Therefore, whilst the site is a quiet area for common suburban wildlife partly due to the lack of any use or disturbance over the last 10 years or so, the ecological impact of the development can be satisfactorily mitigated. This view is supported by the Council's Ecologist who raises no objection.



### Residential Amenity

- 6.20 Residents of Highfield immediately to the north of the site have expressed concerns regarding the impact of the development on their amenity. The proposed development at its nearest point is 17 metres away from Highfield. The development is also to be excavated into the rising ground levels to the north so as the slab level will be around half a metre below the existing level and over a metre below the level of the boundary with Highfield. Highfield also sits at a higher level again overlooking the site. The development will undoubtedly affect the outlook from Highfield but due to the difference in levels and the distance of the proposed development from the boundary, any outlook that currently exists will largely be retained over the roof of the existing development.
- 6.21 An existing hedge runs along the northern boundary of the site with Highfield which will prevent any overlooking from the development of Highfield and vice versa and other matters such as potential noise from plant and equipment and lighting can be controlled by condition. As such the impact on the amenity of the nearest residential properties is not considered harmful.

### Construction Sustainability

- 6.22 The development is to be designed to an exceptionally high environmental standard with all measures currently available being used to reduce the carbon footprint and energy usage of the development. The measures include the use of interconnected ground source heat pumps to provide heating and cooling for the building as a whole including the hydrotherapy pools complex, solar collectors for the hydrotherapy pool heating and hot water cylinders, natural passive ventilation system, rainwater filtration and collection system and high efficiency heating and lighting systems.
- 6.23 A pre-assessment under the BREEAM assessment system has been carried which reveals that the development is very close to achieving the highest possible rating under this assessment of 'Excellent'. It is therefore proposed that the development be required to achieve the 'Excellent' standard which is a significant material consideration in favour of the development. A sustainable urban drainage system is also proposed including the use of a surface water attenuation pond and rainwater harvesting. This will achieve a self sufficient drainage system and address a concern of the Parish Council relating to potential run-off on to adjoining land.

### Section 106

- 6.24 No Section 106 contribution is currently proposed and this matter is being assessed by the Traffic Manager to establish whether a contribution towards sustainable travel is required. No other contribution is required from the development under the adopted Supplementary Planning Document on Planning Obligations.

### Conclusion

- 6.25 The proposed location of the site is contrary to the requirements of Policy CF7 concerning proposals for residential care developments. However, sufficient information has been provided to demonstrate that a relatively wide-ranging search

for alternative sites has been carried out over a number of years and no alternative sites presently exist that could accommodate the development.

- 6.26 Material planning considerations in favour of the development include the high quality design and appearance of the development and its sensitive assimilation into the landscape character of the area, the highest level of sustainability rating that can currently be achieved, the proposed creation 60 new full time jobs that the development would generate and of course, the proposed new and specialist accommodation that would be created for the benefit of future residents.
- 6.27 Having weighed up all the issues and notwithstanding the conflict of Policy CF7 it is considered that in this instance, there are other material planning considerations that weigh in favour of the development and therefore the proposal is recommended for approval. This is subject to receipt of revised plans identifying the alterations to the junction with Holywell Gutter Lane and the retention of further mature trees within or along the boundaries of the site.

### **RECOMMENDATION**

**Subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

1. **A01 Time limit for commencement (full permission)**
2. **C01 Samples of external materials**
3. **G02 Retention of trees and hedgerows**
4. **G03 Retention of existing trees/hedgerows**
5. **G11 Landscaping scheme - implementation**
6. **H03 Visibility splays**
7. **H13 Access, turning area and parking**
8. **H17 Junction improvement/off site works**
9. **H29 Secure covered cycle parking provision**
10. **H27 Parking for site operatives**
11. **H30 Travel plans**
12. **I09 Sound insulation of plant and machinery**
13. **I16 Restriction of hours during construction**
14. **I20 Scheme of surface water drainage**
15. **I33 External lighting**
16. **I41 Scheme of refuse storage (commercial)**

- 17. I55 Site Waste Management
- 18. I56 Sustainable Construction Condition
- 19. L01 Foul/surface water drainage
- 20. L02 No surface water to connect to public system
- 21. L03 No drainage run-off to public system
- 22. K4 Nature Conservation - Implementation

**Informatives:**

- 1. N15 Reason(s) for the Grant of PP/LBC/CAC
- 2. N19 Avoidance of doubt - Approved Plans

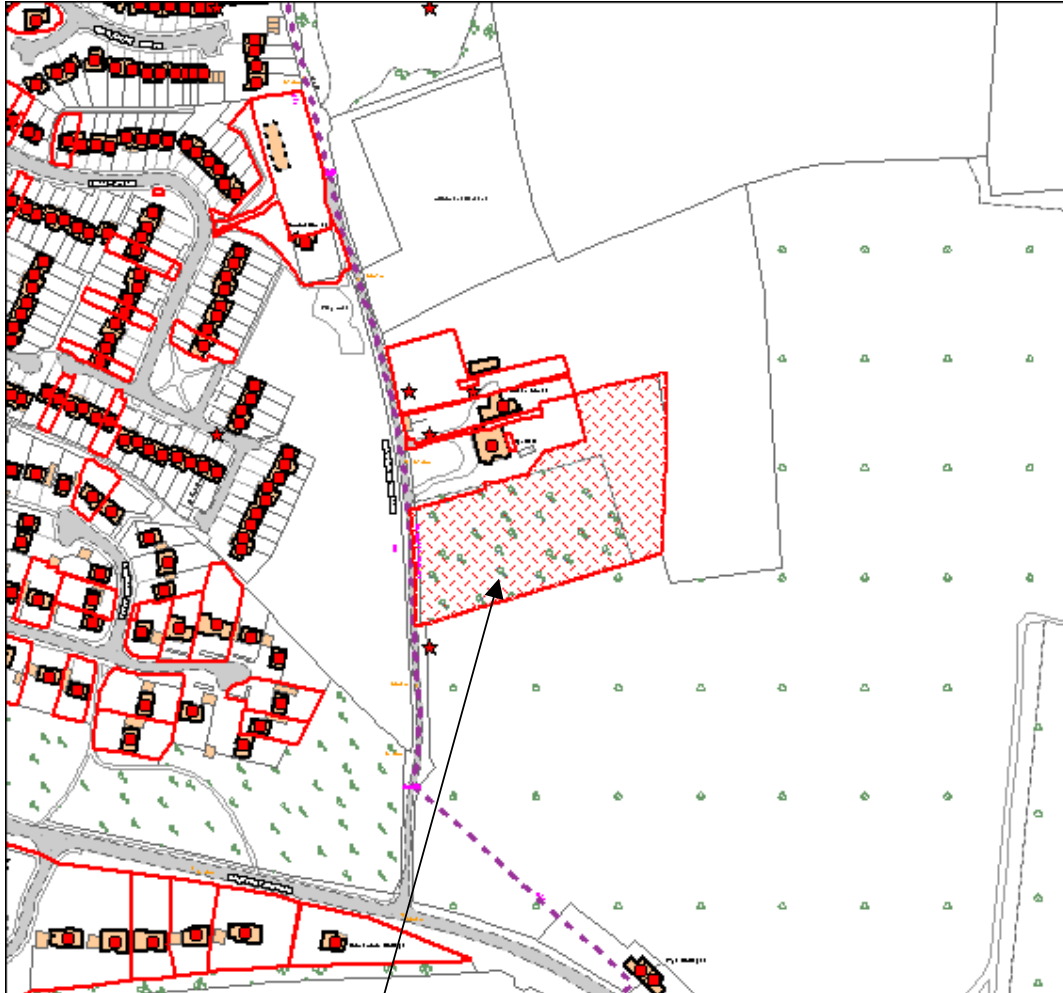
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE0009/1984/F DMCE/092340/F

**SITE ADDRESS :** LAND TO THE SOUTH OF HIGHFIELD, ADJOINING HOLYWELL GUTTER LANE, HEREFORD

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