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| MEETING: | PLANNING COMMITTEE |
| DATE: | 20 JULY 2011 |
| TITLE OF REPORT: | <p>DMS/110995/F - SINGLE STOREY EXTENSION TO EXISTING BUILDING COMPRISING KITCHEN & WORKSHOP AND NEW ADDITION COMPRISING 32 BEDROOMS & ASSOCIATED FACILITIES AT 48 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TH</p> <p>For: Mr Claridge per Mr Ken Pearce, Mortimer House, Holmer Road, Hereford, Herefordshire, HR4 9TA</p> |

Date Received: 14 April 2011

Ward: Tupsley

Grid Ref: 352806,239169

Expiry Date: 21 July 2011

Local Members: Councillors AJ Hempton-Smith, MD Lloyd-Hayes and JLV Kenyon

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of two additions to the existing nursing home at Hampton Grange, Hampton Park Road, which specialises in providing care for dementia sufferers. The first extension is a single-storey addition to the front of the existing building to the east of a large Cedar tree. The second takes the form of a larger, detached three-storey building situated on the existing garden area to the west of the original building. The application site falls within the Hampton Park Conservation Area and the original building, formerly a late Victorian private house, is a locally important building of the Arts and Crafts movement with exposed timber framing and render infill over a ground floor of red brick, with steeply pitched tiled roofs and dormer windows. The building has already been extended quite significantly with a large two-storey addition to the east. The area is characterised by large residential properties set in spacious surrounds, although there is some later infill locally. No.42 Hampton Park Road is a detached dwelling to the west, whilst Grange Gardens, a cul-de-sac of five, modern detached dwellings is found to the immediate east.
- 1.2 The existing nursing home is served by a single point of access from Hampton Park Road. The roadside boundary is defined by a number of mature trees protected under Tree Preservation Orders and a beech hedge. A mature coniferous hedgerow forms the western boundary with No.43 Hampton Park Road. The application site is comparatively flat, although the landform falls sharply to the immediate rear of the existing building towards the River Wye. The slope is heavily wooded and designated as a Site of Importance for Nature Conservation (SINC), with the riparian zone adjacent the river designated as both a Site of Special Scientific Interest (SSSI) and Special Area of Nature Conservation (SAC).
- 1.3 The proposals would increase the total number of bedrooms from thirty-five to sixty. The supporting documentation describes the need to decommission the remaining shared rooms in

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

order to provide en-suite single rooms. The additional beds are stated as being central to the continued viability of the home.

- 1.4 The site for the three storey block is the area of lawn to the west of the existing building at a distance of 10 metres, orientated so that the rear elevation would overlook the River Wye. The front and rear of the building is broadly coincidental with those of the existing building. Whilst the proposal is for a three-storey building, excavation will result in only part of the ground floor being visible above ground level. The objective of this approach is to reduce the height of the new building relative to the existing. The building would have three staggered gables of equal proportions and would comprise thirty-two bedrooms and associated facilities including a lounge, activity floor, nurses station and lift tower. Excluding the lift tower and stairs the main body of the building has a footprint of 23m x 17.2m. The overall height is 10.9m, which compares with 11.5m for the existing building. The apparent difference is greater than 600mm, however, owing to the proposal to set the building at a lower finished floor level. For operational reasons the main access is in the east elevation. Materials proposed are a titanium zinc roof over brick and rendered walls with cedar cladding to the projecting bay windows and roof soffits.
- 1.5 The proposed single-storey extension would project forward from the existing earlier extension to the main building. This element of the proposal has been modified significantly in relation to earlier withdrawn applications owing to concern over potential conflict with the main landscape feature on site; the mature Cedar on the front lawn. As a consequence the proposed extension is now single-storey and reduced in length and the footprint has been moved outside the root protection area of the tree, which is covered by a Tree Preservation Order and has a Category A (High) retention value. This building is designed with exposed oak timber framing in the gable facing Hampton Park Road over an imperial brick with Flemish bonding pattern. This extension would house a new, larger kitchen to cater for all bedrooms and separate store and workshop to compensate for removal of the existing shed.
- 1.6 Associated with the two extensions are revisions to the parking layout, including the removal of existing hardstanding from the root protection area of the Cedar, a new sedum roofed bin store to the east of the single-storey extension and additional landscaping. In total there are twenty parking spaces proposed, an increase from 16.
- 1.7 The application is accompanied by an Arboricultural Constraints Report, Viability Study, Ecological Survey Report and Draft Heads of Terms outlining a contribution of £1,912 towards sustainable transport infrastructure to serve the development.

2. Policies

2.1 National Planning Guidance:

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| PPS1 | - | Delivering Sustainable Development |
| PPS4 | - | Planning for Sustainable Economic Growth |
| PPS5 | - | Planning for the Historic Environment |
| PPS9 | - | Biodiversity and Geological Conservation |
| PPG13 | - | Transport |
| PPG24 | - | Noise |

2.2 Herefordshire Unitary Development Plan 2007:

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|----|---|-------------------------------|
| S1 | - | Sustainable Development |
| S2 | - | Development Requirements |
| S7 | - | Natural and Historic Heritage |

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| S11 | - | Community Facilities and Services |
| DR1 | - | Design |
| DR2 | - | Land Use and Activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR5 | - | Planning Obligations |
| DR13 | - | Noise |
| H1 | - | Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas |
| NC1 | - | Biodiversity and Development |
| NC2 | - | Sites of International Importance |
| NC3 | - | Sites of National Importance |
| NC4 | - | Sites of Local Importance |
| NC5 | - | European and National Protected Species |
| HBA6 | - | New Development within Conservation Areas |
| HBA8 | - | Locally Important Buildings |
| CF5 | - | New Community Facilities |
| CF7 | - | Residential Nursing and Care Homes |
| LA5 | - | Protection of Trees, Woodlands and Hedgerows |
| LA6 | - | Landscaping Schemes |

2.3 Supplementary Planning Document: Planning Obligations (2008)

3. Planning History

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| 3.1 | HC94/0123/PF | - | Extension to existing nursing home to form new bedrooms, dayroom and laundry, including a new fire escape. Refused 28 April 1994. |
| 3.2 | HC95/0132/PF | - | Extension to existing nursing home to form new bedrooms, dayroom and laundry, including new fire escape. Approved 5 May 1995. |
| 3.3 | CE2000/0698/F | - | Renewal of HC95/0132/PF (above). Approved 10 May 2000. |
| 3.4 | CE2000/0817/F | - | Alterations to existing nursing home to form two bedrooms and associated fire escape. Approved 15 June 2000. |
| 3.5 | CE2002/2356/F | - | Two storey extension and relocation of bin store. Approved 30 October 2002. |
| 3.6 | CE2003/2592/F | - | Proposed two storey extension. Approved 1 December 2003. |
| 3.7 | CE2006/2075/J | - | Crown lift 2 Common Limes and 1 Beech, fell 1 Cherry, 1 Irish Juniper, 1 Western Red Cedar, 1 group of Ash trees and 1 group of Ash, Cherry and Sycamore trees. Consent granted. |
| 3.8 | CE2007/3249/F | - | Erection of nine apartments with associated car parking and landscaping. Approved 17 March 2008. |
| 3.9 | CE/101158/F | - | Two storey extension to existing building comprising kitchen, laundry and four bedrooms and new three storey block comprising 32 bedrooms and associated facilities. Withdrawn 31 August 2010. |

- 3.10 S/102999/F - Two storey extension to existing building comprising kitchen, laundry and four bedrooms and new three storey block comprising 32 bedrooms and associated facilities. Withdrawn 21 February 2011.

4. Consultation Summary

4.1 Natural England:

Designated Sites

Natural England has **no objection** to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. It is our view that either alone, or in combination with other plans or projects, the proposal would be unlikely to have a significant effect on the important interest features of the River Wye SAC, or any of the special scientific interest features of the River Wye SSSI. The development is of a scale and nature unlikely to materially affect the European Site and the mitigation and enhancement measures set out in the submitted Nature Conservation and Management Plan offer suitable safeguards and improvement relative to both the European Site and protected species.

Protected Species

Natural England has **no objection** to the proposed development in respect of legally protected species provided that the recommendations set out in the Nature Conservation Management Plan and Annex are implemented as part of the development. A suitable condition should be attached to any planning consent.

4.2 Conservation Manager (Building Conservation): No objection

Whilst the proposal represents a major change to the setting of Hampton Grange, we do not believe that it would be detrimental to the character of the conservation area. The proposed single-storey extension is now in keeping with the architectural qualities of the building. Provided that appropriate materials are chosen, it should be in keeping with the character of the building.

The proposed three-storey building would provide a more contemporary counterpoint to the character of Hampton Grange. It would follow the rhythms set out in the conservation area and would not dominate the historic house. Therefore, assuming high quality and appropriate materials are utilised we believe that this element of the proposal is also acceptable. The removal of the existing workshop/shed from underneath the Cedar is considered beneficial. Planning conditions requiring the prior written approval of building and landscaping materials are recommended.

4.3 Conservation Manager (Ecology): The site has been visited in connection with this and earlier proposals. The presence of Brown long-eared, Common and Soprano Pipistrelle bats commuting across and foraging on the site is noted. These species are, however, relatively common and less sensitive to disturbance. Bat roosting features are not considered likely to be affected by these development proposals; nevertheless, it is important that the foraging area on the wooded slopes and along the river corridor is maintained and managed appropriately. It is also evident that badgers still reside upon the site.

The slopes to the rear of Hampton Grange form part of a Site of Importance for Nature Conservation (SINC 23); the River Wye SAC and Site of Special Scientific Interest flows at the base of the slope and it is important that there is no impact on the river or its designated features. A Construction and Environmental Management Plan will need to be implemented to ensure no negative impacts on any of the designated sites. Appropriate management of the SINC should be incorporate within an ongoing management plan, to be secured by planning

condition. Such management would include:

- sensitive tree management (including occasional pollarding of willows);
- retention of dead wood/log piles where possible
- installation of bat and bird boxes
- retention of some areas of long grass
- protection of badger setts

If the application is approved, a condition requiring the submission, written agreement and implementation of a habitat protection, enhancement and management plan should be attached.

- 4.4 Conservation Manager (Landscapes): The landscape proposals and tree protection plan are adequate for this site. Conditions should be attached to ensure that the appropriate measures are taken on site.
- 4.5 Traffic Manager: Visibility improvements will be required at the access onto Hampton Park Road. This will require hedgerow removal/relocation. Whilst the parking does not increase in line with our standards for the extension, the overall provision of 20 spaces exceeds our standard for C2 use, which would equate to 15 spaces for the total of 60 beds as proposed. The sum of £1,912 proposed in the Draft Heads of Terms is as per the Supplementary Planning Document: Planning Obligations and is acceptable.
- 4.6 Environmental Health Manager: No objection.

5. Representations

- 5.1 Hereford City Council: Objection.

The loss of the garden is unacceptable loss of amenity space. This appears to be an over-development of the site with no provision for parking for extra visitors and staff.

- 5.2 Ten letters of objection have been received from local residents. The content is summarised as follows:
- The proposed extensions, particularly the three-storey building, are out of scale with the Conservation Area, irrespective of the need or demand for extra reablement beds. The proposal fails to preserve or enhance the Conservation Area;
 - The extensions will result in a significant increase in traffic movements on a busy arterial route into and out of Hereford. Hampton Park Road is comparatively narrow, and only paved along its northern side;
 - The existing car park at Hampton Grange is frequently full. An additional four spaces will clearly not cater for the increased number of staff (up to sixty-nine from thirty-five) and visitors;
 - The provision of only twelve cycle stands is indicative of the true dependence upon the motor car. Herefordshire Council parking standards are worthy but unrealistic. The Nuffield Hospital has twenty-three bedrooms yet fifty-six parking spaces. It recently had to acquire more land for parking;
 - On occasion over-spill parking affects nearby streets which is unreasonable;
 - The existing bus service is inadequate and not likely to support commutes to work;
 - Commercial delivery vehicles can already be witnessed unloading on Hampton Park Road;
 - The existing home gives rise to significant noise and odour pollution from unsettled residents, cooking and refuse. This can only increase with the increase in bedroom numbers and relocation of the kitchen and bin store;
 - The loss of the garden area to the west of the existing building would represent an unacceptable loss of amenity within the Conservation Area, whereas the single-storey

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- extension would appear incongruous and may affect the mature Cedar;
- The three-storey extension will result in a loss of privacy and amenity to the neighbours to the west;
- The development is likely to impact upon protected species, most notably bats, which have not been witnessed foraging since the severe lopping of the hedge dividing the application site from No.42 Hampton Park Road.

5.3 The application is supported by a Design, Access and Heritage Statement, the content of which is summarised as follows:

- The continuing viability of Hampton Grange Nursing Home in providing good levels of care requires additional bed spaces. Refurbishment and decommissioning of existing shared rooms will actually reduce the number of bedrooms in the existing building from thirty-five to twenty-nine;
- The proposal is supported by Herefordshire Council's Adult Social Care directorate as helping to deliver more reablement care in the county;
- The proposal for a new bedroom block replaces a previously approved proposal for nine private apartments (DCCE2007/3249/F), yet reflects the scale and massing of the previous scheme;
- Unlike the approved scheme, car parking will not be situated directly in front of the three-storey block and thus the open, lawned area will be maintained to a greater degree;
- The dominance of Hampton Grange is maintained by reducing the levels of the three-storey block and by orientating the building so that the sky is visible between the three gables. The palette of materials reflects both traditional and modern architecture and have been chosen specifically to blend with the conservation area and not dominate Hampton Grange;
- The building foundations will be designed so as not to harm retained trees and existing impermeable surfaces will be replaced with permeable paving;
- The extension will be designed to achieve a betterment of 25% in energy saving relative to current Building Regulations i.e. the equivalent to level 3 of the Code for Sustainable Homes;
- There are clear benefits to the local landscape such as the removal of the existing timber shed and partial screening of the existing extension;
- The submitted viability report indicates that demand for private nursing/dementia care is likely to rise due to the ageing population. The report indicates particular difficulty in placing dementia sufferers, which is illustrative of a demand for additional specialist dementia provision

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:

- The principle of the development;
- Scale and design relative to the architectural and landscape characteristics of the Conservation Area;
- Traffic and accessibility;
- The potential impacts upon the identified nature conservation designations;
- The potential impacts upon residential amenity.

The principle of development

6.2 The application site is located in the Hampton Park Conservation Area. The original late

Victorian house is a good example of the type of building that is characteristic of the area - a large Victorian house set in spacious, architecturally landscaped grounds. The legislative background regarding new development in conservation areas is contained within The Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 of the Act states that "special attention should be paid to the desirability of preserving or enhancing the character of appearance of that area." Case law has subsequently established that preservation is the equivalent of not causing harm to either character or appearance. In addition Policies CF5 (New Community Facilities) and CF7 (Residential Nursing and Care Homes) both require proposals for development such as that proposed to be appropriate in scale to the needs of the local community and reflect the character of the location and should be within the settlement or area that they serve. A requirement to not adversely affect the residential amenity of adjoining residents is common to both policies.

- 6.3 This is the fourth major proposal upon this site in the last several years, starting with the approved erection of a three-storey block of nine apartments on the site of the three-storey 'extension' now proposed (DCCE2007/3249/F), when the site was in different ownership. Although never implemented, this planning permission did establish the principle of erecting a comparatively large building within the grounds of Hampton Grange under the same planning policy framework provided by the Unitary Development Plan. Whilst not setting a precedent the planning history is a material consideration. Subsequent to the 2007 application two applications were submitted for similar proposals to those before Members now (see 3.9 and 3.10 above). However, in each case the proposed extension from the existing building was two-storey, longer and closer to the mature Cedar. Hence the principal differences with the current application are that this extension is reduced to single-storey, does not project as far northward and is moved to a position outside the root protection area of the Cedar. In addition the proposals now show a reduction in ground levels within the three storey block in order that the eaves and ridge heights are lower than the main body of the existing building.
- 6.4 The Conservation Manager has expressed no objection to the principle of development at this location and is satisfied that the proposal will meet the statutory test to preserve the character or appearance of the area as well as conforming to Policies HBA6 and HBA8 of the Unitary Development Plan. No concerns are expressed in relation to the density of the proposal and the steps taken to reinforce the dominance of the existing building are considered successful. In making this assessment the presence of mature trees on the roadside is recognised. These specimens, protected under Conservation Area legislation and separate Tree Preservation Orders, act to filter views into the site from Hampton Park Road. It should also be borne in mind that the north-facing elevation of the three-storey block would be between twenty-five and thirty metres from the road.
- 6.5 As discussed above the site has a number of significant tree specimens. Without doubt the main landscape feature upon the site is the mature Cedar tree directly in front of the main building. Other protected trees on the site frontage will be entirely unaffected by the proposals. It is imperative that the single-storey extension does not affect the Cedar. The identification of the tree as a constraint to development has only recently been addressed through the commissioning of an Arboricultural Constraints Report. The report identifies the removal of a Lawson Cypress and False Acacia as necessary in order to erect tree protection fencing around the Cedar and form the additional parking spaces to the west of the existing drive. Neither tree is considered worthy of retention. The report recommends the instatement of tree protection around the trees to be retained for the duration of the construction phase. Moving forward, the long-term implications for the health and viability of the Cedar are improved significantly not only by the relocation and modification of the single-storey extension, but also by the removal of existing impermeable hardstanding currently within the root protection area and replacement with permeable pavements. A section of tarmac to the immediate southwest of the trunk will be removed and reseeded with grass. Thus the area of impermeable surfacing within the tree's root protection area will be reduced, removing compaction and allowing for better aeration and moisture infiltration.

- 6.6 Finally, it has been established via the Care Quality Commission that there is no minimum open space standard for nursing homes. Moreover Herefordshire Council has no adopted equivalent. Therefore the loss of the open space in terms of the impact upon *existing residents of the nursing home* is not considered material to the determination of this application. Whilst it is true to say that the proposal would represent a more intensive use of the site this in itself is not something that makes the principle of development unacceptable. Whilst the proposal does not promote single, detached dwellings the intended use is by definition residential in nature and is not incompatible with adjoining uses in the same way that introducing a large factory into the area might be. The principle of development is therefore considered acceptable.

Scale and detailed design

- 6.7 A number of objectors have expressed concern at the impact of the extensions upon the character and appearance of the conservation area. Many consider that the extensions amount to over-development of the site and cite the loss of the open area to the west of the existing building as particularly damaging to character.
- 6.8 As described above, however, this view is not shared by the Conservation Manager, who is satisfied that the current application, which derives from significant pre-application discussion, represents an acceptable approach. Although the scale of the three-storey block has remained constant, steps have been taken to ensure that it would relate better to the main house both in terms of scale and detailed design. In particular the appearance of the three-storey block is improved by the introduction of cedar cladding to the projecting bay windows, where titanium zinc was originally proposed. In addition the building is set down relative to the main building so that despite being only 600mm shorter than the existing building in absolute terms, the difference between ridge heights would be 2 metres. As such the three-storey block will appear subservient to the existing building in glimpsed views through the roadside trees and the uninterrupted view from the main entrance. The design of the three-storey block is contemporary in the materials employed, yet it takes key references from the architectural form of the original building. Most notable of these is the use of strong gables with vertical emphasis and the inclusion of a chimneystack.
- 6.9 The proposed single-storey extension from the main building has been modified quite significantly. Under the two preceding applications a two-storey extension was proposed, the first floor housing first an additional six, then four bedrooms. In response to concerns expressed by officers this component is now far smaller, the first floor having been foregone in response to concerns over the impact upon the roots of the Cedar. The design approach with the single-storey extension is more traditional, as befits an extension that will be physically attached, albeit via a later addition. The Conservation Manager is content that the revised layout will reduce the potential future conflict with the tree, particularly as bedrooms formerly proposed in close proximity to the trees boughs no longer form part of the application. Officers consider the proposal acceptable in relation to policies DR1, HBA6 and LA5 in that it is considered that the proposals take an integrated approach to design reflect the local vernacular and respond better to the presence of the tree.

Traffic and Accessibility

- 6.10 There is only one means of entry into the site. This is via the main approach taken directly from Hampton Park Road directly in line with the existing front door. From here parking is generally to the left-hand side of the drive, curving around to the left under the Cedar and along in front of the 1990s extension. There is room for two vehicles to park in tandem to the right-hand side of the drive upon entering the site. As discussed above, the proposal would take the total number of bed spaces from thirty-five to sixty, yet only provide an additional four parking spaces. Whilst this might seem to be an under-provision relative to the increase in

bedrooms, the Traffic Manager has confirmed that twenty spaces to cater for the entire site is actually in excess of the Council's adopted Design Guide of one space per four bedrooms. In this case it should be noted that the patients themselves do not have access to vehicles and that parking requirements are limited to staff (operating on shift patterns), visitors and deliveries.

- 6.11 Local residents have expressed strong concern at the potential increase in vehicular movements associated with an increased number of bed spaces. They identify that Hampton Park Road is a busy arterial route into and out of the city serving a large rural hinterland. They have also cited instances when over-spill parking and deliveries have had an undesirable effect upon the free flow of traffic and highway safety in adjoining roads and on Hampton Park Road itself.
- 6.12 Whilst officers accept that the concerns expressed are genuine, the Council's adopted guidance on parking standards cannot be easily laid aside. In making a decision on this application Members are advised to give due weight to the Highways Design Guide and the parking standards that form part of adopted policy. Moreover the application site is within the city, on a bus route and according to a staff survey over 40% of existing staff live within one mile of the site and 53% have a work commute that takes less than 15 minutes. In these circumstances officers are not persuaded that a refusal based upon the perceived inadequacy of the parking spaces on site could be sustained.
- 6.13 Improvements to the visibility at the junction with Hampton Park Road are recommended with the provision of a 2.4m x 90m visibility splay, which will necessitate some removal of the beech hedgerow. This approach is consistent with the approved 2007 application. On this specific issue officers consider the proposed parking to be appropriate as exceeding the requirements of adopted policy. A planning condition requiring the formulation of a staff travel plan is recommended.

Potential impacts upon nature conservation designations

- 6.14 In broad terms the impact of the proposal upon nature conservation designations can be understood as the impact of the development upon the wooded slope to the rear of the application site and the River Wye itself. Natural England and the Council's Ecologist have been consulted on the proposals. European Protected Species have been identified in some numbers upon the application site, with bats recorded as foraging and potentially roosting in the wooded area and trees and hedgerow adjacent Hampton Park Road. As described above, neither Natural England or the Council's Ecologist consider that the development proposals will have significant impacts upon the River Wye SAC/SSSI or the Site of Importance for Nature Conservation.
- 6.15 This view is based upon the nature and scale of the proposals and the fact that mitigation and enhancement measures are set out in the Nature Conservation Management Plan originally submitted in connection with the 2007 application. The applicant retains control over the SINC and a condition requiring the submission of an updated management plan in connection with this area to the rear of the application site extending down to the river is considered both reasonable and necessary.
- 6.16 Natural England (i.e. the statutory body charged with ensuring conservation and management of the natural environment) has no objection to the proposal subject to them being carried out in accordance with the submitted details, a position shared by the Council's own Ecologist. Officers are also satisfied that the application now pays due regard to the protection of mature tree specimens upon the site. In relation to this main issue the application is considered acceptable.

Potential impacts upon residential amenity

- 6.17 From consultation responses received the potential adverse impacts upon the amenity enjoyed by adjoining residents fall into two broad categories:
- Loss of privacy through direct overlooking of private amenity space;
 - Disturbance arising from noise or odour.
- 6.18 Any impacts arising will be felt by residents living either to the immediate east or west (impacts upon amenity relating to parking is dealt with above) of the application site. Those living to the east will be most closely related to the proposed single-storey extension and bin store. The extension houses the kitchen and associated pantry/refrigeration areas and also the workshop and equipment store. It is designed to allow passage through to the proposed bin store. At its nearest the extension is 25m away from the nearest property in Grange Gardens - significantly further away than the existing building. The kitchen is designed so that the cooking facilities are located against the west-facing wall i.e. away from Grange Gardens. Likewise the three windows in the extension are all on the west-facing elevation. As such, officers consider all reasonable steps have been made to ensure that noise and cooking fumes/odours are directed back into the site rather than eastwards into Grange Gardens. Given the separation distances involved the single-storey extension would not result in undue loss of privacy or overshadowing. Concern has been expressed regarding the location of the bin store relative to the neighbours in Grange Gardens. However, the bin store is enclosed and again officers consider that the living conditions of adjoining residents have been taken into account.
- 6.19 Concern has also been expressed regarding the existing levels of noise relating to unsettled residents. Whilst officers are mindful of the potential disturbance a pre-existing issue is not one that the planning system can address. Whilst noise is a material consideration, the proposal does not introduce any further beds within close proximity to Grange Gardens - the single-storey building is in effect a service wing. It is also noted that the Environmental Health Officer has not objected. Should the situation persist protection can be afforded via Environmental Protection Legislation. It should also be borne in mind that a residential institution such as this is not an inherently noisy use that should not, as a matter of principle, be located within existing established residential areas.
- 6.20 On the opposite side of the application site the proposed three-storey block has No.42 Hampton Park Road as its nearest neighbour, albeit separated by the mature conifer hedge. The proposed building and No.42 are 17 metres apart (flank to flank). As one would expect the design is such that there are no windows in the west-facing elevation of the building and the future introduction of windows is something that can be controlled by condition. Given the long-standing presence of the mature hedgerow officers do not consider that the proposed building would give rise to significant loss of light or cause further overshadowing of the front lawn to No.42. Even were the hedge to fail, officers are satisfied that the relationship with the existing dwelling is acceptable. This notwithstanding the submitted Tree Impact and Protection Plan recommends the use of protective fencing around the hedge during the construction phase.
- 6.21 Some residents in Grange Gardens (the residential cul-de-sac of five dwellings to the immediate east) have objected to proposals to remove an existing 1800mm close-boarded fence and trees to be replaced with a 1500mm brick wall along the common boundary. The agent has confirmed that in response to the concerns expressed, this area will be left as existing.
- 6.22 Officers consider that the application respects the living conditions of adjoining residents in a manner that complies with Policy DR2 of the Unitary Development Plan.

Other Matters

- 6.23 The application is accompanied by a viability assessment that considers, amongst other things, the issue of a shortage of supply of 'reablement' bed spaces within the Hereford catchment area. At the time of writing officers were trying to establish whether the Council has figures that would support the position set out in the application, which suggests a shortfall of 165 bed spaces within single en-suite rooms in 2010. Whilst this is not considered fundamental to the determination of the application, it is a material consideration and an update on this issue will be provided at the meeting.

Summary and Conclusions

- 6.24 On the key issues identified above officers are satisfied that the proposal accords with Government guidance and UDP Policy. The proposed extensions, and associated works are now considered appropriate within the local context. The original building is retained as the focal point and the respective designs are now, after several revisions, acceptable. Tree protection measures will be implemented during construction in the form of protective fencing, and the submission of a Construction and Environmental Management Plan will ensure no adverse impacts upon the SINC, SSSI or SAC designations during the building process. Whilst mindful of local objections, officers do not consider the impact upon the local highway or adjoining residential amenity to be so significant as to warrant refusal. The application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. B07 Section 106 Agreement**
- 4. C01 Samples of external materials**
- 5. H03 Visibility splays**
- 6. H13 Access, turning area and parking**
- 7. H29 Secure covered cycle parking provision**
- 8. H30 Travel plans**
- 9. L01 Foul/surface water drainage**
- 10. L02 No surface water to connect to public system**
- 11. L03 No drainage run-off to public system**
- 12. G04 Protection of trees/hedgerows that are to be retained**
- 13. G11 Landscaping scheme - implementation**
- 14. G14 Landscape management plan**

15. No development shall take place until a Construction and Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the provisions of the approved Plan.

16. F16 No new windows in specified elevation

Informative:

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

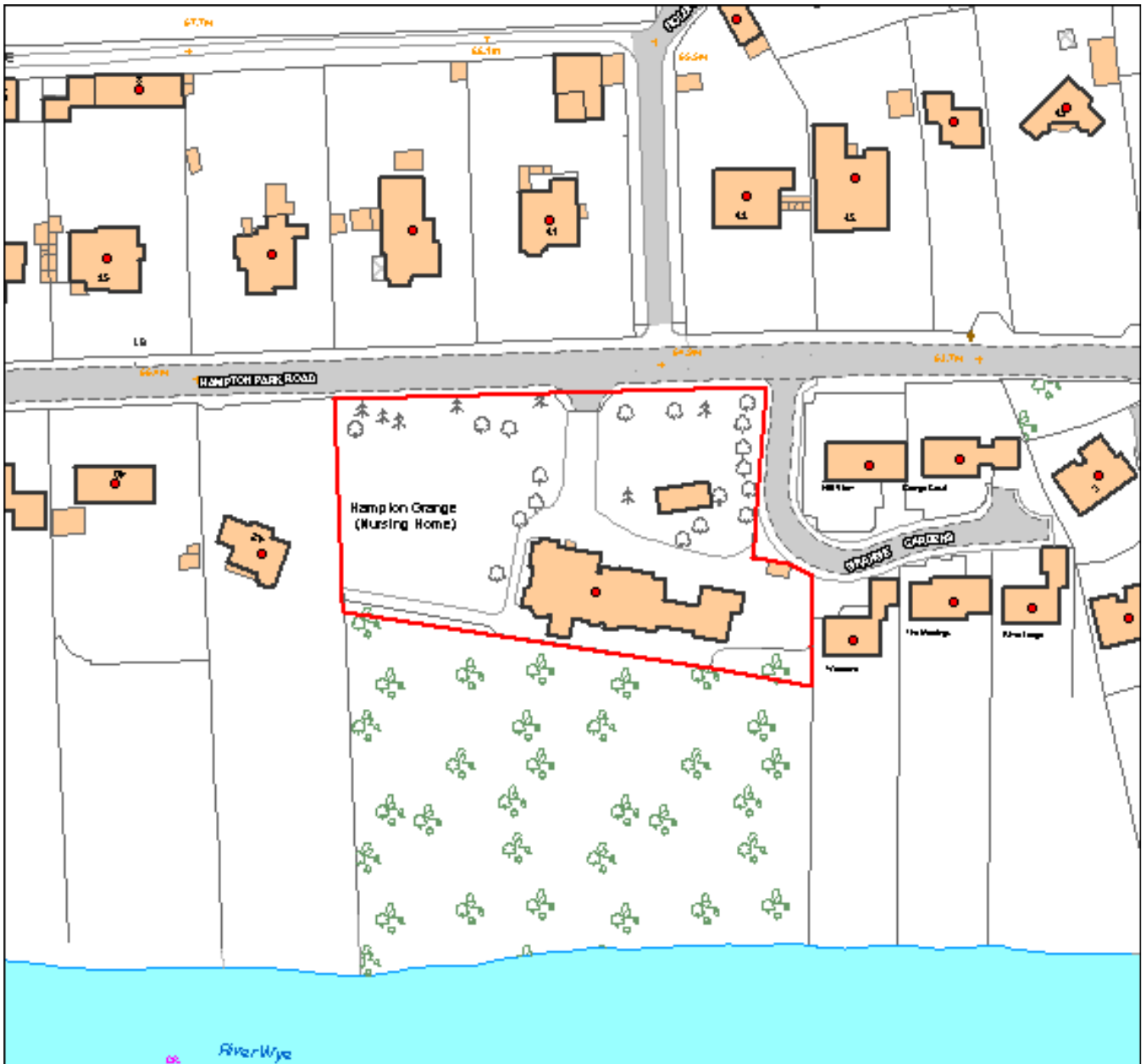
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/110995/F

SITE ADDRESS : 48 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HEREFORDSHIRE, HR1 1TH

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DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Application – DMS/110995/F

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated April 2008. All contributions in respect of the residential development are assessed against general market units only.

Single storey extension to existing building comprising kitchen and workshop and new addition comprising 32 bedrooms and associated facilities.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1,912** to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. In the event that Herefordshire Council does not for any reason use the sums in paragraph 1, above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
3. The sums referred to in paragraph 1, above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
4. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
5. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

YVONNE COLEMAN

21/04/2011