

MEETING:	PLANNING COMMITTEE
DATE:	18 JULY 2012
TITLE OF REPORT:	<p>S120539/CD - AN EXTENSION, PART SINGLE STOREY AND PART DOUBLE STOREY TO EXISTING SCHOOL BUILDING, WITH ASSOCIATED LANDSCAPING AND INCORPORATING AMENDMENTS TO LAYOUT AND APPEARANCE OF EXISTING SCHOOL AT BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX</p> <p>For: Property Services, Herefordshire Council per Amey Consulting, Explorer 2, Fleming Way, Crawley, W Sussex, RH10 9GT</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120539&NoSearch=True

Date Received: 17 February 2012 Ward: St Martins and Hinton Grid Ref: 350248,238313
Expiry Date: 18 May 2012
 Local Members: Councillors ACR Chappell, R Preece and P Rone

Update to Report

At the last committee, members were advised that a petition of 1251 signatures (from nearby neighbours and residents around the county) had been received in support of this application. This stated:

Blackmarston is Herefordshire's ONLY Primary Special School for children with severe and complex learning difficulties and disabilities. The current school was originally built to accommodate 40 pupils, our population is increasing and we now have over 70 children on roll. As a result some of our children have to be accommodated in unsuitable portacabins and we all manage in a limited space with our essential specialist facilities being based in converted cupboards and shower rooms. These are Herefordshire's most vulnerable children and yet, at present, the proposal is to reject our planning application which would allow us to extend the school to provide the learning space and facilities our children of the future so desperately need and richly deserve.

Following the last committee meeting the applicant has been considering the issues raised and has provided an update statement as follows:

Herefordshire Council recognises the importance of identifying and assessing all options, when considering a capital investment. This is particularly so for major schemes such as the one proposed for Blackmarston Special School.

The Council has adopted a robust governance and scrutiny process which ensures that options are fully assessed and challenged to ensure they offer the best solution. Cabinet and Cabinet Member

authorisation to commit capital funds requires officers to report on the assessment of alternative options.

Consequently, alternative options are always assessed prior to funding approval being awarded for any major capital scheme.

With regard to Blackmarston Special School, the overriding limitation for the viability of any alternative site option is insufficient capital resource to deliver what would need to be a completely new school. With a budget of £4.6m, a new school on a new site is not affordable. Capital receipts from the disposal of the existing school site would be inadequate. This would also be the case if the Council were minded at all to build a new all age special school to replace existing provision at Blackmarston and Barrs Court schools.

Consideration of specific sites referred to at Planning Committee on 27 June 2012.:

Aylestone Business & Enterprise College

This site was assessed when considering options for future accommodation for Barrs Court Special School. The option appraisal concluded that there was insufficient land available, given that Aylestone Business & Enterprise College is identified for expansion to accommodate additional pupils from new housing when the Local Development Framework is adopted. Since that appraisal was done, the school has applied to become an Academy. If the application is successful, the current land and buildings will be transferred to the new Academy Trust on a 125 year lease, in line with statute.

Former Whitecross High School site

When this site was vacated by Whitecross High School in 2006, following the construction and occupation of a new school on a new site, the site was offered to the governors of Lord Scudamore Primary School, subject to the availability of capital resources to build a new primary school. This was a real possibility in 2007 when the Government announced a 14 year primary school rebuild and refurbishment programme. The governors of Lord Scudamore Primary School declined the offer. The Government funded programme has since been stopped by the Government as part of its austerity measures.

The 'brown field' part of the site has been sold subject to contract. The playing field is subject to the usual national and local planning policy constraints relating to development on playing fields. The playing fields also provide a flood plain for the Yazor Brook. In addition, there remains the overriding factor of insufficient capital funds to deliver a new primary, or indeed all through, special school on this or any other site.

Consideration of reorientation of the proposed extension to encroach onto the Marlbrook Primary School playing field.

Following the Planning Committee deferral of a decision on the application, officers have been asked to reconsider this proposal which was originally discounted following detailed discussion with Sport England. The Planning Officer has advised this would require reorientation of the new extension by 20m to alleviate the Planning Officer's view about the impact of the proposed extension on the amenity of neighbouring properties.

As required, officers from People's Services and Property Services have reviewed this option.

This option was originally discounted following discussion with Sport England, a statutory planning consultee, where Sport England advised that they would object. The advice of the Planning Officer at that time was that they would not support a development which was subject to a Sport England refusal. Consequently, detailed plans for this option were not developed or costed. A revised scheme was therefore developed to deliver the much needed new facilities, within the existing school

boundary. This scheme was developed with the professional input of the management, staff, governors and parents of children at Blackmarston Special School, who fully endorse the scheme.

Given the concerns of the Planning Officer about the impact on the amenity of some neighbouring properties, the Planning Officer has been proactive in contacting Sport England to test if they are open to negotiation on their stated position, given the Planning Officer's wish to support a much needed development for the children and families who are reliant on the school. In particular, the Planning Officer has drawn to the attention of Sport England the fact that Marlbrook Primary School has planted trees along its boundary with Blackmarston Special School, proposing that this can therefore no longer be classed as playing field.

The written response from Sport England makes their position clear.

“Essentially you need to ensure no area of the playing field is lost which can function as playing field. You need to demonstrate that any modifications to the proposal would meet one of the exceptions set out in our policy.”

The exceptions are:

- E1. There is a carefully quantified and documented assessment of playing field provision in the catchment that can robustly justify an excess of playing field provision.
- E2. The proposed development is ancillary to the principal use of the site and it does not affect the potential quantity and quality of pitches that have the capacity to be provided.
- E3. The proposed development affects land that is in capable of forming a part of a playing pitch as defined within the statutory instrument.
- E4. There are plans to replace the lost playing field with compensatory provision of an equivalent of better quality or quantity.
- E5. The playing field loss is intended to be replaced by an alternative indoor or outdoor sports facility which would outweigh the detriment caused by the loss of the playing field.

Sport England go on to say:

“From what you imply, some of the land affected (due to tree planting) could not have a sports pitch laid out, and if this is correct then Exception E3 might apply. However, this would need to be demonstrated. If this was not the case then you could seek to replace the lost playing field elsewhere on site or somewhere appropriate offsite. If that is not possible Sport England are likely to object.”

Given that the row of trees planted by Marlbrook Primary School very recently are small saplings, it is the belief of People's Services and Property Services officers that we could not demonstrate that this area could not have a sports pitch laid out. However, further discussion on this matter will take place with Sport England, the outcomes of which will be reported verbally to the Planning Committee on 18 July 2012.

None of the other 4 exceptions apply. Herefordshire's draft playing pitch strategy identifies a shortage of playing pitches in Hereford City, particularly at junior and mini levels.

In addition to the above exceptions, Sport England also say:

“I would refer to the new National Planning Policy Framework and par 74 in particular. Any proposal would need to both comply with at least one of our exceptions E1 to E5 and par 74 of the NPPF.”

Paragraph 74 of the NPPF says:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

As part of the review of this option following deferral of a decision, a survey of the Marlbrook school playing field has been carried out to determine whether encroachment onto the playing field would impinge on the existing pitches on that site. The survey has concluded that it would. It has also concluded that it would not be possible to relocate or reorientate the pitch within the site without extensive and costly ground works at the other end of the playing field to create a level pitch and associated drainage. As the pitch cannot be compensated for, this will not satisfy the relevant Sport England exemption criteria.

A view was expressed at Planning Committee on 27 June that Sport England will always object to development on playing fields. Unless one of the 5 exceptions can be demonstrated and proven by the applicant and in addition the requirements of National Planning Policy Framework paragraph 74 can be satisfied, then yes, Sport England will object. An objection from Sport England is not to be taken lightly. The consequences of an objection from this statutory consultee are significant in terms of both time and cost.

If planning permission is granted following an objection from Sport England, the matter is referred to the Secretary of State. Sport England can then call-in the decision, resulting in a planning inquiry. The timescale for any inquiry is unknown, but 6 - 12 months is not uncommon. The estimated cost to Herefordshire Council of a planning Inquiry is £100,000. Permission may still not be granted.

It is also important to note a fact which was not made clear at Planning Committee on 27 June. The Sport England and National Planning Policy Framework protection of playing fields is not just a national requirement. It is also mirrored in our local planning policy RST 4 in the Herefordshire Unitary Development Plan 2007: "Safeguarding Existing Recreational Space". Thus in making a realignment of the proposed extension onto the Marlbrook playing field, this would be resolving one planning policy objection only to replace it with another.

Whilst it is the belief of People's Services Officers and Property Services Officers that we could not demonstrate to the satisfaction of Sport England that a newly planted line of trees is sufficient to no longer consider the area to be playing field and therefore capable of being made into a sports pitch and or run-off area, officers are pursuing a definitive view from Sport England to be available for report at Planning Committee on 18 July 2012.

The likelihood of a Sport England objection is further heightened by the fact that the Local Authority has already agreed and documented with Sport England that the playing field at Marlbrook Primary School is to be used as amelioration for the under provision of playing field at The Hereford Academy, due to its confined site area not allowing for the recommended playing pitch area for a school of its size.

In addition to the likely objection from Sport England and the associated costs and undefined but substantial programme delay that would result, other following factors have been considered.

Reorientation would increase the footprint of the extension by 48 sq mtr and require build up of the existing school playing field to the existing Blackmarston 'plateau' to ensure single story access for pupils. The cost of this is calculated to be an additional £500,000, for which there is no budget.

Finally, concern was expressed at the Planning Committee on 27 June 2012 that the capacity of the new school would not be sufficient to cope with future demand for places at the school. The capacity of the school, subject to planning permission being granted will be 80 pupils. Again, the future proofing of capital investment is something which is required to be demonstrated through the robust and challenging capital funding authorisation process for major projects like this application, prior to Cabinet or Cabinet Member approval to allocate the funding for the scheme.

The school has 71 pupils on roll with higher year group numbers due to move on to secondary school in the next few years, with lower numbers further down the school, reflecting the overall reduction in pupil numbers across Herefordshire. While there has been a slight rise in the birth rate in Herefordshire in the last two years, it is not at or anywhere near the level which saw the peak of demand for school places in Herefordshire during the 1990s. Mainstream schools have witnessed falling rolls due to lower birth rates and this is reflected in the special school population. While this reduction is mitigated to some extent by advances in medical technology which sees more children surviving with complex and multiple learning difficulties and disabilities, we will not see the kind of growth in demand for places witnessed over the past 20 years. A capacity of 80 allows for some growth, including for additional children from proposed new housing in the draft Local Development Framework.

In summary:

- None of the identified alternative sites are available to relocate the school.
- There is insufficient capital funding to deliver a new school on a different site.
- Sport England's position has been made very clear. They will object if we cannot satisfy one of the exemptions and the National Planning Policy Framework requirements.
- People Services and Property Services officers do not believe that Herefordshire Council can demonstrate that it can meet any of the exceptions:
 - The area of land is playing field
 - It could form part of a pitch, including run-off area.
 - The scheme will affect an existing pitch and running track.
 - The Marlbrook playing field has already been used as amelioration for an under provision of playing field at The Hereford Academy
 - The Council's own draft playing pitch strategy identifies a shortage of playing pitches in Hereford City.
 - We cannot replace the lost pitch area elsewhere.
- Planning approval is highly likely to result in a Sport England call-in and subsequent planning Inquiry, with an estimated cost to the Council of £100,000 and no guarantee that permission will be granted at the end of it.
- The additional footprint and works required to build up the ground is estimated at £500,000.
- There is no additional budget to meet the estimated additional costs.
- The new capacity of the school, at 80, will provide for future demand.

If there is any change in the Sport England position prior to the Planning Committee determining this application on 18 July 2012, the Planning Committee will be updated verbally at the meeting.

This further information will be evaluated and a further update will be provided at the Committee.

The report that was presented to committee remains unaltered as follows:

1. Site Description and Proposal

- 1.1 Blackmarston School was built in the late 1990's and provides special needs school provision for the wider Herefordshire community. The school is sited in a primarily residential area to the South of the city, and is accessed via Honddu Close (from Dulas Close to the north and Greencroft / Standale Road to the south).
- 1.2 The school is unusual in its design being octagonal in shape. The building is single storey with all rooms sited around a central atrium / courtyard area. The school building is sited to the east of the application site with car parking to the west of the school building. The land levels then slope considerably westwards towards the dwellings on Stanberrow Road. The schools play area and mobile classrooms are sited to the rear of the main school building (north east).
- 1.3 The application proposes an extension to the school to provide additional classrooms, hygiene facilities, hall and facilities and first floor staff accommodation. The extension projects away from the existing building in a westerly direction and is 70m in length and would run parallel with, and approximately 4m from the existing boundary with Marlbrook School. The first part of the extension would be single storey (5m) in height, rising to 8m for 23m in length before reducing in height. The building has been designed to accommodate a change in levels and as such, although the height reduces, it would continue to be 7m in height (above ground level). One of the key requirements of the school is to have a hall of sufficient height, positioned at the front of the school to assist with the arrival and departure of the children that are brought in by minibus. This hall and associated rooms are located within a part of the extension that projects in a northerly direction towards the dwellings on Dulas Avenue. This projects forwards by approximately 22m, and would be 8m from the boundary with the adjacent neighbour. This element also has to cope with the changes in levels and as such the eastern section would be approximately 4.5m to eaves height and the western part of the hall would be 7m to eaves height. The plans have been amended to try and address the concerns raised, and part of this forward projection has now been reduced, the plant room roof has been altered to a flat roof, and the wall moved back slightly to increase the planting area. The facing wall of this projection is proposed to be painted with a mural. The remaining building utilises brickwork at lower levels with lightweight panelling and standing seam profiled sheet metal cladding to roof.
- 1.4 The internal road layout will be altered with the 'roundabout' and central parking (12 spaces) retained at the entrance, in a revised form. A 4.5m wide roadway is proposed along the northern boundary of the site leading to a car park accommodating 22 spaces. Planting and landscaping is proposed along the boundaries of the car park and roadway.

2. Policies

2.1 National Planning Policy Framework:

The following paragraphs (extracts of) are of particular relevance

Paragraph 17

'always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and building'

'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'

Paragraph 58

'...Planning policies and decision should aim to ensure that developments:

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- Will function well and add to the quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture and appropriate landscaping

Paragraph 72

The government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools;

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR14	-	Lighting
T11	-	Parking Provision
T14	-	School Travel
CF5	-	New Community Facilities

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.asp>

3. Planning History

3.1	HC940012JZ	Construction of new Blackmarston Special School of 1100 sq m floor area associated play areas and vehicular parking and turning facilities. Approved 31 January 1994.
3.2	HC940462JZ	Construction of new Blackmarston Special School of 1100 sq m floor area associated play areas and vehicular parking and turning facilities. Approved 12 December 1994.
3.3	DCCW2004/2623/F	Provision of modular building for use as temporary nursery. Council Approved Application 7 September 2004.
3.4	DCCW2005/2099/F	Landscaping of existing turfed area between playground and boundary. Approved 12 December 1994.
3.5	S100582/CD	Provision of 1 no. new mobile to provide additional facilities for children with special needs with hygiene room and canopy linking outside space to adjacent mobile. Withdrawn 21 May 2010.
3.6	S101203/CD	Retention of existing mobile building and provision of 1 no. mobile building and link canopy adjacent to provide additional facilities for children with special needs. Council Approved Application 24 June 2010.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

4. Consultation Summary

Statutory Consultees

4.1 Sport England comments as follows:

The area proposed for the school extension lies adjacent to the boundary with Marlbrook School Playing Field. This boundary means that the area affected by the application is physically and functionally separate from the adjacent playing field and its function is considered to be general open space and landscape area associated with Blackmarston School.... In addition to not affecting the adjacent playing field, or prejudicing its use, the proposed development would also appear not to impact on any other opportunities for sport. This being the case, Sport England does not wish to raise an objection to this application.

Internal Council Advice

4.2 The Traffic Manager recommends condition and comments that the proposed increase in car parking and minibus parking is considered to be acceptable provision for the proposed development.

4.3 The Environmental Health Manager raises no objection to the proposed development but requests conditions in respect of external lighting and hours of working during construction.

4.4 The Conservation Manager (Landscape) makes the following comments:

It is a shame that the size of the new building significantly limits the amenity space available to create a high quality landscape setting for this school. The access and car park requirements further reduce the areas available for planting and dominate the front of the site. Proposals for a combination of high quality, varied, hard surface materials could be used to improve the appearance of these areas. There are several trees, including a small woodland area that will be lost during development and the roughly marked up drawing does not represent a thorough tree survey. It is noted that new planting is shown to the boundaries, however for a development such as this I would expect a proposed landscape scheme to be detailed as an integral part of the application.

If this application is to be approved then I request the following conditions are added:

- Tree protection for retained trees in accordance with BS5837:2005 'Trees in relation to construction'.
- A hard and soft landscape scheme.
- Details of the construction and material for the gabion retaining wall and boundary fencing.
- Details of the new play area, including the tree planted sensory area.

5. Representations

5.1 Hereford City Council make the following comments: We support the principle, however, we are worried about the impact of the increased traffic on the surrounding roads. The new site should also have an adequate screening to prevent overlooking of the neighbouring residential properties.

Amended plans - Although we appreciate the necessity for extension, the plans, as presented, will be too overpowering and will have too great impact over the neighbours.

5.2 Letters of objection have been received from:

L V Yarwood, 31, Dulas Avenue
Mr and Mrs G Jones, 29 Dulas Avenue

Angela Poyner (adjacent neighbour)

These letters raise the following issues:

- Impact on privacy / overlooking
- Impact on view and loss of light / sunlight / make everything darker
- Object to car park at bottom of garden due to noise and disturbance
- Request fence be erected on boundary with car park
- Additional fencing may be like caging us into our property overlooked by a monstrosity of a building
- May generate more noise / car fumes
- Querying why extension cannot run alongside the side of the building nearest to Marlbrook?

5.3 The application has also generated significant amount of support as follows:

32 letters of support from parents / staff / local residents

24 signatures on copied letters (no addresses)

9 letters from the children at the school

These letters raise the following issues:

- The school is the only school in Herefordshire that caters for children with special needs both physically and mentally.
- The school was built for 40 pupils and already has over 70 pupils and is 'bursting at the seams'. The pattern for demand will continue to grow.
- There has been / is an increase in children with profound multiple learning and physical learning difficulties that need / require specialist equipment (wheelchairs, walkers, standing frames etc)
- Huge demand for space and lack of availability impacts upon level and quality of care and support to children as well as parents and carers
- Classes are cramped so not all classes have the full range of activities
- Existing portacabins are unsuitable for children and their needs (leaking roofs, uneven floors, temperature of buildings)
- School hall used for many activities, but there is a lack of storage and as such limited on how it can be used.
- Examples of some of space issues within the school:
 - The school has a large team of dedicated staff.
 - Small and inadequate staff room.
 - The existing school was built due to problems of overcrowding, lack of space etc, and these problems have re-occurred and we are in the same situation with a desperate need for additional accommodation to house the children that are already in the school.
 - Query why other main stream school have had new schools and buildings?
 - Refusing planning permission will mean that the children would not receive the education that they are entitled to and families would lose a life line (break for child care).
 - Acknowledgement of the help and support that the school gives parents and carers.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The key issues for the consideration of this application are:

- The principle of and need for the proposed development
- Design and impact
- Landscaping
- Parking and Highways
- Drainage
- Habitat Regulations

The principle of and need for the proposed development

6.2 Herefordshire Unitary Development Plan Policy CF5 is broadly supportive of development that would result in the provision of new or improved community facilities, including educational facilities, where they are considered to be appropriate in scale to the need of the community and reflect the character of the locality; are located within or around the settlement or area they serve; would not significantly impact upon the amenity of neighbour residents; and incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.

6.3 Blackmarston School outgrew its original building on Ross Road and the new Blackmarston School opened in 1997. It was designed to accommodate 40 pupils. This need at the time was primarily for children with learning difficulties. The school was designed operationally with this in mind, but now has to cope with many more physical disabilities. The school is currently accommodating around 70 pupils age 2 - 11, and is utilising 3 mobile classrooms located within the playground / outside area. The school is the only primary aged special school in Herefordshire that caters for children with severe and complex learning difficulties and disabilities. There has been a significant increase in the schools population in the last 4 years and national projections suggest continued rises in the births and survival of children with severe and complex learning difficulties and disabilities.

6.4 As represented in the significant number of letters received from parents and staff, the school, and its staff are operating with significant limitations in respect of space for teaching, therapies, hygiene rooms and care, storage and many operational restrictions that are hampering the ability of the school to provide appropriate levels of education and care. The lack of space also restricts the schools ability to offer support to parents and carers of the pupils.

6.5 Having visited the school, and in taking account the representations from the parents, teachers and governors, it is clear that the school is, without doubt, in need of additional space to provide the facilities that are required to provide the full specialist educational provision to meet the needs of their pupils. The proposed school would provide facilities for 80 pupils, with one additional teacher and three additional support staff.

6.6 The school serves the whole of the county, and as such, its location within Hereford City is such that it is central to the wider community that it serves. The present need for a facility of this size is apparent, with the proposed extension providing for the 71 children currently enrolled, plus the ability to take an extra 9. Therefore the extension is responding to an identified need and is not considered to be out of scale given its wide County catchment.

Design and impact

6.7 In designing this extension there are several key constraints and parameters that needed to be considered. The site itself has a number of constraints, including road access, overlooking, security, site contours and levels, relationships with neighbours and Marlbrook school. There is also a restricted budget and the need to ensure that the works are planned and phased

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around the operation of the school to ensure continued running in a safe way and not causing distress to pupils.

- 6.8 Notwithstanding the identified and pressing need, it is a requirements of Policy CF5 that the development; should not significantly impact upon the amenity of neighbour residents;
- 6.9 As the project has developed there have been several schemes that have been explored and dismissed for sound reasons, including budgetary, land constraints and construction constraints. This included the potential for utilising some land within the Marlbrook school boundary, however this conflicts with the policies and principles in relation to the protection of playing fields and was considered likely to have attracted an objection from Sport England.
- 6.10 The design of the building that is now being considered is such that it meets the requirements and functional needs of the school, meets budgetary constraints and can be built whilst accommodating the existing school. The building is a large building, that is significant in scale and mass, and is some 3m taller than the original school. The bulk and mass of the building has been broken up somewhat by the mix of materials and differences in roof heights, but, nonetheless it is of a considerably different scale than the original building and of the residential properties that surround it.
- 6.11 The key issue is not the detailed design of the building, but the context that it sits within. The existing school sits in a position that is elevated above those of the dwellings that face this application site (Dulas Avenue and Stanberrow Road). The ground (garden) level of number 29 Dulas Avenue is over 2m lower than that of the height of the adjoining land which then rises to the car park of the existing school. Therefore when the site is viewed from the first floor bedrooms of this dwelling, the cars parking is at the same level. The boundary of this property is already a substantial and imposing height of almost three metres, over which the parked cars can be viewed. The proposed extension would be sited 8m from the boundary of these dwellings, with a roadway in between. The distance from the rear of number 29 (that has been extended by projecting rearwards) to the wall of the proposed extension would be approximately 20m. The proposed building would be 4.5m to the eaves from the existing raised ground level and over 6m in height rising as the roof slopes away towards the main part of the building to a height of 6.5m (above ground level). The main building being 8m in height (above existing ground level). The close proximity coupled with the scale and mass of the building would represent a development that would be overbearing and intrusive, and that would impact on the living conditions and amenities currently enjoyed by the occupants of these dwellings. Whilst the occupants of number 29 are likely to be most affected, those that reside in numbers 31 and 33 are also likely to be adversely affected due to the proximity, size and scale of the proposed extension.
- 6.12 In order to try and address the concerns raised by officers the plans have been amended. These amendments do go some way to improving the relationship by reducing the extent of the of the hall roof, reducing the plant room roof height and setting back the wall to allow further planting. However, it is your officer's opinion that the proposed extension would still be unacceptable. There is mitigation proposed by way of planting, but this will do little to address the imposing nature of the building, which at this scale and in such close proximity cannot be readily softened. As such, the proposal would fail to comply with the requirements of Policies DR2 and CF5 that seeks to ensure that new community facilities would not significantly impact upon the amenity of neighbouring residents.

Landscaping

- 6.13 Letters of representation also raise concern about the car park that would be sited on the boundary of the adjacent properties. Whilst no fence is proposed, this is something that could be provided by way of a condition, and which would go some way to protecting the privacy and amenities of neighbours from car park users. Landscaping could, in time, also help to form a

more robust boundary. Additional landscaping throughout the site is also proposed, and a comprehensive landscaping scheme could be sought through a condition as recommended by the Council's Landscape Officer and as required by Policy LA6 of the Herefordshire Unitary Development Plan.

Parking and Highways

- 6.14 One of the key considerations raised during the pre-application process was the need to provide sufficient parking for the staff and parents to ensure that parking provision does not spill out onto the adjacent residential roads. The Traffic Manager is satisfied that enough parking has been provided within the site to accommodate the high numbers of staff that are employed at this special school. The majority of children are brought in by minibus from across the County and arrivals and departures are carefully co-ordinated with the school. This reliance upon mini-bus travel was a key consideration in the design of the school, with the hall being located close to the drop off point as children are gathered in the hall to wait for buses and in the mornings. Given the specialist nature of the school, and its large catchment, the use of mini-buses is the most sustainable method of transport for many of the pupils. The proposal would also not result in a practical significant increase in pupils at the school and as such, traffic movements and parking provision is unlikely to impact on highway safety in accordance with the requirements of Policies DR3 and CF5 of the Herefordshire Unitary Development Plan.

Habitat Regulation Assessment

- 6.15 The Council has recently identified an issue regarding phosphate levels in some of its watercourses. These are particularly high in the River Wye and this has significant implications due to its designation as a Special Area of Conservation (SAC). This designation gives the river European protection and the Council has a legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on it. This is different from the normal planning position of balancing competing issues or demands and assessing cases whereby impacts can be traded off against each other. The Regulations effectively superimpose on the normal process a structured, precautionary process which must be followed in order that a lawful decision can be reached. Because the cumulative 'in combination' effects of individual small scale schemes need to be assessed as part of that process, the Council must be convinced that the scheme in question will not adversely affect the integrity of the watercourse. If it cannot satisfy itself on that point, the scheme cannot proceed.
- 6.16 The development is likely to increase phosphates entering the Special Area of Conservation, however the recent SIMCAT report from the Environment Agency demonstrates that there is sufficient headroom regarding phosphate levels for this application alone or in combination with other plans and projects, as referred to in the table below, to comply with the Conservation Objectives for the SAC. In the event that members resolve to approve this application, a formal HRA screening would need to be undertaken. Notwithstanding this, the position is potentially subject to change and if required a further update will be provided at the Committee meeting.

Conclusions

- 6.17 There is, without doubt, a need for this school to be extended to provide the additional space for the facilities that are required to provide the full specialist educational provision to meet the needs of pupils. However, there is a need to balance policies that seek to support the needs of this school and its pupils with the policies that seek to protect the amenities of residents and the enjoyment of their properties. In this instance it is your officers opinion that, by virtue of its size, scale, siting, proximity and mass this proposed extension would have a significant and detrimental impact on the amenities of the these residents. As such the proposed

development is recommended for refusal as it would be contrary to the requirements of Policies CF5 and DR2 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposed development, by virtue of its size, scale, mass, siting, proximity to the boundary would have a significant and detrimental impact on the amenities of the adjoining residential properties, contrary to Policies DR2 and CF5 of the Herefordshire Unitary Development Plan.**

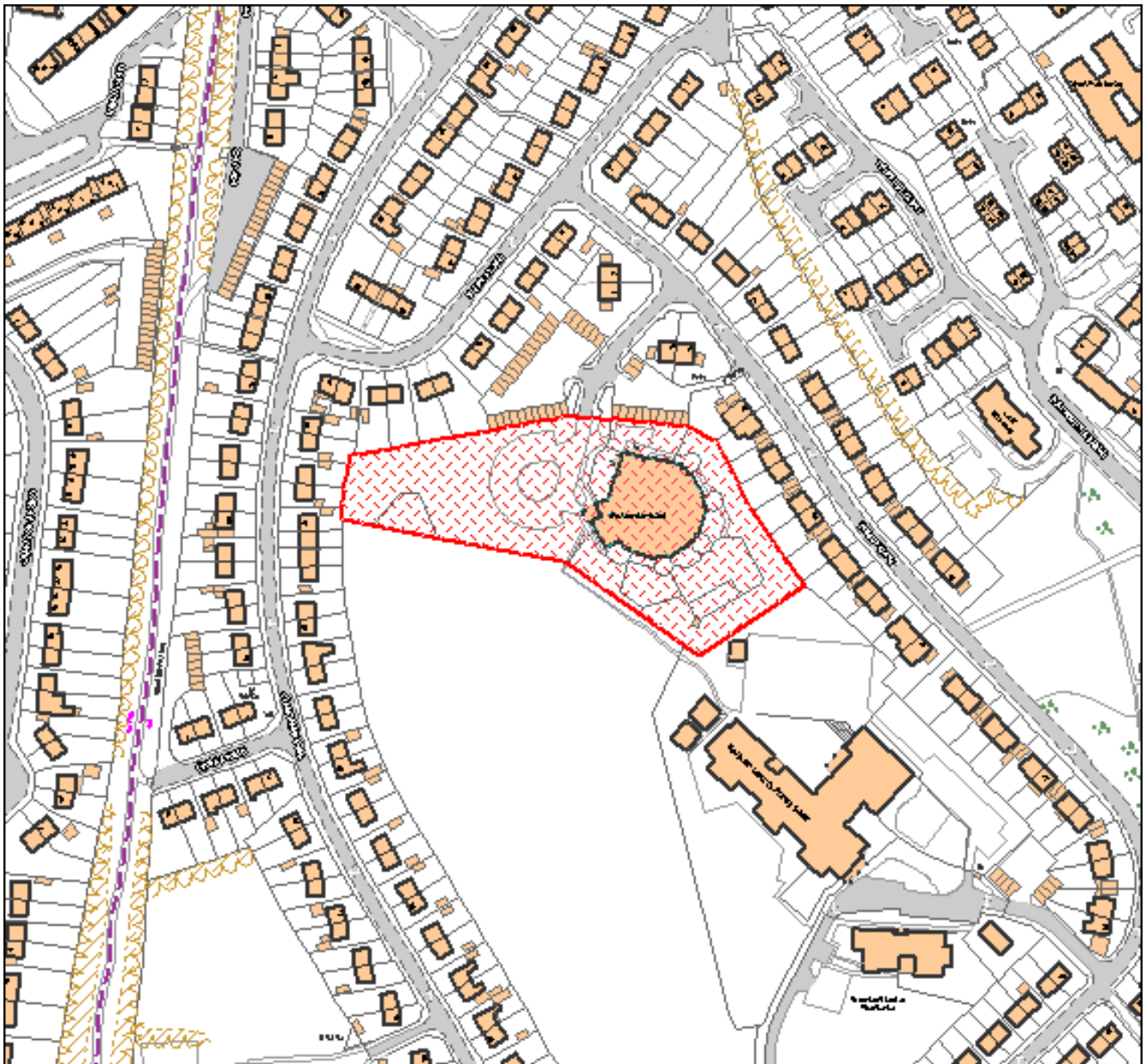
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/120539/CD

SITE ADDRESS : BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781