

MEETING:	PLANNING COMMITTEE
DATE:	29 JANUARY 2014
TITLE OF REPORT:	132588/F - CHANGE OF USE FROM C3 DWELLING TO D1 DENTAL SURGERY AT 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY For: Mr R Parsons per Mr Leonard Vidler, Linton Design, 5a Old Road, Bromyard, Herefordshire, HR7 4BQ
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132588

Date Received: 18 September 2013 Ward: Bromyard Grid Ref: 364694,254338

Expiry Date: 13 November 2013

Local Members: Councillors A Seldon and JG Lester

1. Site Description and Proposal

- 1.1 1 Hatton Park is a modest bungalow occupying a corner plot located to the south-west of the junction between an unadopted road known as Hatton Park and the A44. The dwelling is set back approximately 15 metres from the edge of the A44 and 10 metres from Hatton Park. A modestly proportioned garden is located in front of the dwelling.
- 1.2 The locality is primarily residential in character with a fairly dense provision of dwellings further along the A44 and Hatton Park. A newsagents and hairdressers are directly to the east of the site on the opposite junction of Hatton Park and the A44.
- 1.3 Access to the application site is directly off Hatton Park, 20 metres from the junction with the A44 and opposite the 2 metre high boundary fence of 2 Hatton Park. 2 Hatton Park is set back from the road approximately 15 metres from the vehicular access to 1 Hatton Park and 22 metres from the dwelling it self.
- 1.4 The proposal is for a change of use of the building from residential (C3) to a dental surgery (D1). The only physical alteration to the building would be the replacement of a garage door with a window on the north elevation. A car park for 10 cars would be located in front of the building within the existing garden area. The front hedgerow would be removed and replaced slightly further from the roadside to increase visibility.

2. Policies

2.1 National Planning Policy Framework

Chapters 1, 2, 4, and 8 are referred to throughout this report and are of particular relevance.

2.2 Herefordshire Unitary Development Plan(HUDP)

- S1 - Sustainable design
- DR1 - Design
- DR2 - Land use activity
- DR3 - Movement
- CF5 - New community facilities

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

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

2.4 Herefordshire Local Plan Core Strategy

- SS1 - Presumption in favour of sustainable development
- SS6 - Environmental and local distinctiveness
- BY1 - Development in Bromyard
- MT1 - Traffic management highway safety and promoting travel
- LD1 - Landscape and townscape
- SC1 - Social and community facilities

2.5 The Core Strategy has recently been approved by Council and a number of objections have been lodged against the emerging housing policies. As such only minimal weight can be attributed to policies of the emerging Core Strategy in accordance with paragraph 216 of the NPPF.

3. **Planning History**

3.1 None relevant

4. **Consultation Summary**

4.1 The Transportation Manager was consulted. A joint site visit was undertaken with the case officer and three written responses were received. The initial response was a no objection but with a concern for visibility in an easterly direction along the A44 at its junction with Hatton Park. It was, however, considered that there was scope to provide requisite visibility splays of 2.4 by 60 metres. Since then, amended plans have been submitted with visibility increased through the setting back of the front hedgerow (plan). The Transportation Manager is content that the visibility splays as proposed are now adequate.

4.2 Economic Development were consulted but no response has been received from the Regeneration Manager

5. **Representations**

5.1 Bromyard Town Council resolved not to support the application on the grounds that "the access onto the A44 is dangerous and the area around the Top Shop is already heavily congested."

5.2 12 letters of objection were received from third parties. The key issues raised were:

- The change of use would inject commercial aspects and related traffic into a residential area along a narrow, private, unadopted road.
- There are already huge traffic / access problems at the junction of Hatton Park and the main road (A44) with all the traffic coming and going from the shop car park and traffic

- entering and exiting Hatton Park itself. A dental practice will mean there will be a very large increase in traffic using this junction and Hatton Park itself.
- The increase in traffic will lead to an increase in noise and increase danger to pedestrians using Hatton Park, not an insignificant issue bearing in mind the aging population who live in Hatton Park and there being no pavements on which to walk.
- The ability for residents or visitors to park on Hatton Park will be impeded with patients and staff using this area to park their cars if the dental car park is full.
- Changing the use of 1 Hatton Park from residential to commercial use will have a negative impact on the value of properties.
- Allowing this application may well open the floodgates for other requests to be made to change the use of residential properties in the road.
- Hatton Park is a residential road and not for commercial access.
- If permission is granted for change of use there will be an increase in danger for children playing in the road.
- Environmental damage through the removal of trees and hedgerows.
- An increase in noise from increased traffic levels.
- The storage of drugs on the premises may attract undesirables.

5.3 2 letters of support were received from third parties. The key issues raised were:

Dentists are full in the area and there is a long wait for appointments.
 The dentist would be closer to the homes and school of the supporters
 Good asset to the town to have a local dentist
 Sited close to public transport links

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The application seeks permission for the change of use of an existing dwelling to a dental surgery. Development relating to new community facilities, which includes the provision of services relating to health needs, is chiefly considered against UDP Policy CF5 which requires such development to reflect the character of the locality whilst being located within the settlement which it would serve. Regard is also had for the amenity of neighbouring residents and highways safety.

6.2 The dwelling is of no particular aesthetic merit though it contributes well enough to the make up of the street scenes along the A44 and Hatton Park. It is within an established residential area, although a newsagents and hairdressers are directly to the north-east of the site. The only physical change to the building itself is the replacement of a garage door with a window on the north elevation, though it is proposed to provide a relatively large area of hardstanding to form a car park within the front garden of 1 Hatton Park. The scheme includes a proposal to re-site the hedgerow further into the site to aid with visibility along the A44 (discussed in detail in paragraph 6.7 of this report). It is my opinion that views of the area to the fore of the building would be marginally less as a result of the proposed development given that the hedgerow would be on slightly higher ground and as such, the impact of the hardstanding lessened. Notwithstanding that, a number of buildings along the A44 have a similar area of hardstanding between the building and the highways edge including the newsagents and hairdressers

immediately to the west of the site and a number of dwellings to the east. As such the provision of hardstanding itself would not in my opinion be out of keeping with the site context. The greatest impact on the townscape would be the increased volume of cars being parked between the dwelling and the principal view point along the A44. This would result in a modest impact on the physical character of the locality notwithstanding the provision of a hedgerow.

- 6.3 There is no policy which guards against the loss of a residential unit in this location although a D1 use is not inherently harmonious with the residential use of the surrounding area. Subsequently, as stipulated by criterion 3 of policy CF5, an analysis of the impact on the amenity and privacy of neighbouring residents is required. The applicant has confirmed that the premises would be open from 9-5.30, Monday to Friday and approximately 25 vehicles will access the site per day generating approximately 50 trips per day during the stated opening hours. Currently the site as a residential unit would be accessed by 2 cars, generating approximately 4-8 trips per day. Although noise arising from extra traffic may be noticeable to some residents this would not in my opinion be of a level which would unduly impact on amenity, particularly given the limited hours of operation.
- 6.4 Furthermore, 1 Hatton Park is located at the northern end of the lane, close to the junction with the A44. As such, vehicles looking to access the dental surgery would only travel past 1 dwelling on Hatton Park, namely no.2, which benefits from a tall boundary fence. There is sufficient room at this end of the lane for two cars to pass each other.
- 6.5 There is ample space within the proposed car park for vehicles to enter and leave in a forward gear and parking is provided for up to 10 vehicles. The provision of 10 parking spaces for a dental surgery with two consultation rooms is considered to be acceptable. No more than 5 members of staff would be at the site at anyone time and thus no less than 5 parking spaces would be available for clients, eliminating the need for parking on Hatton Park itself in relation to the use of the proposed dental surgery.
- 6.6 In my opinion the key issue is the potential for development to impede highways safety. Access to the site is off Hatton Park, a narrow unadopted lane which feeds off the A44. The highways concern relates specifically to poor visibility splays at the junction of Hatton Park and the A44. Currently visibility along the A44 is approximately 6 metres to the east, although it is adequate in a westerly direction. Given the aforementioned increase in vehicle numbers using this junction, the existing access is unacceptable and would in my opinion have serious implications for the acceptability of this proposal given the associated increase of traffic movements.
- 6.7 The site occupies a corner plot which fronts on to the A44 and Hatton Park and the hedgerow which limits visibility from this junction is within the identified application site. Having discussed the matter with the Transportation Manager there was considered to be scope to achieve satisfactory visibility splays along the A44 to the east through the removal or alteration of boundary treatments within the application site. This was communicated to the agent who has submitted plans to realign the hedgerow to increase visibility at a point 2.4 metres from the A44 at a height of 0.6 metres. The visibility splay in a easterly direction of the resultant scheme would be approximately 26 metres. Although still not to minimum requirements as set out in the manual for streets, which for a 30 mph limited zone is 43 metres, the resultant splays would represent a vast improvement of the current 6 metre splay. The benefits of improving the visibility splay would not be limited to the proposed development itself. There would be significant wider reaching highways benefits of providing safer egress on to the A44 for all residents along Hatton Park. On balance and having fully considered the Transportation Manager's response, visibility splays from the junction of Hatton Park with the A44 are considered acceptable.
- 6.8 A number of issues were raised in letters of objection from third parties. The previous paragraphs discuss concerns regarding highways safety, residential amenity and impact on

the character of the locality. The Local Planning Authority are unable to consider implications for property values or the possibility that the approval of this application may encourage others to apply for development elsewhere on the lane. Hatton Park is an unadopted road and the access rights of potential staff or clients of the proposed dental surgery to use the road is a civil matter and not for consideration as part of the planning process.

- 6.9 To conclude, I consider the proposal to be suitably located in relation to the settlement which it serves having no undue detrimental implications for the amenity of neighbouring residences. Highway safety concerns, specifically relating to the egress on to the A44, are suitably addressed with the resiting of the roadside boundary hedgerow. Although there would be a modest negative impact on the townscape due to the parking of cars to the fore of the dwelling, I do not consider this concern to hold sufficient weight as to warrant a refusal. As such, the proposal accords with HUDP policies S1, DR1, DR3 and CF5 and the NPPF, with chapters 2, 4 and 8 being of particular relevance.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. The change of use shall not commence until visibility at the junction between the A44 and Hatton Park has been improved through the resiting of the front boundary hedgerow in accordance with the detail provided on drawing no. 1712-2 rev. b. Nothing shall be planted, erected and/or allowed to grow on the area of land which would be forward of the hedgerow.**

Reason: To ensure that visibility is acceptable from Hatton Park along the A44 in an easterly direction and in the interests of highways safety as required by Policy DR3 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 4. H14 Turning and parking: change of use - domestic**
- 5. F02 Restriction on hours of delivery**
- 6. I16 Restriction of hours during construction**

INFORMATIVE:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

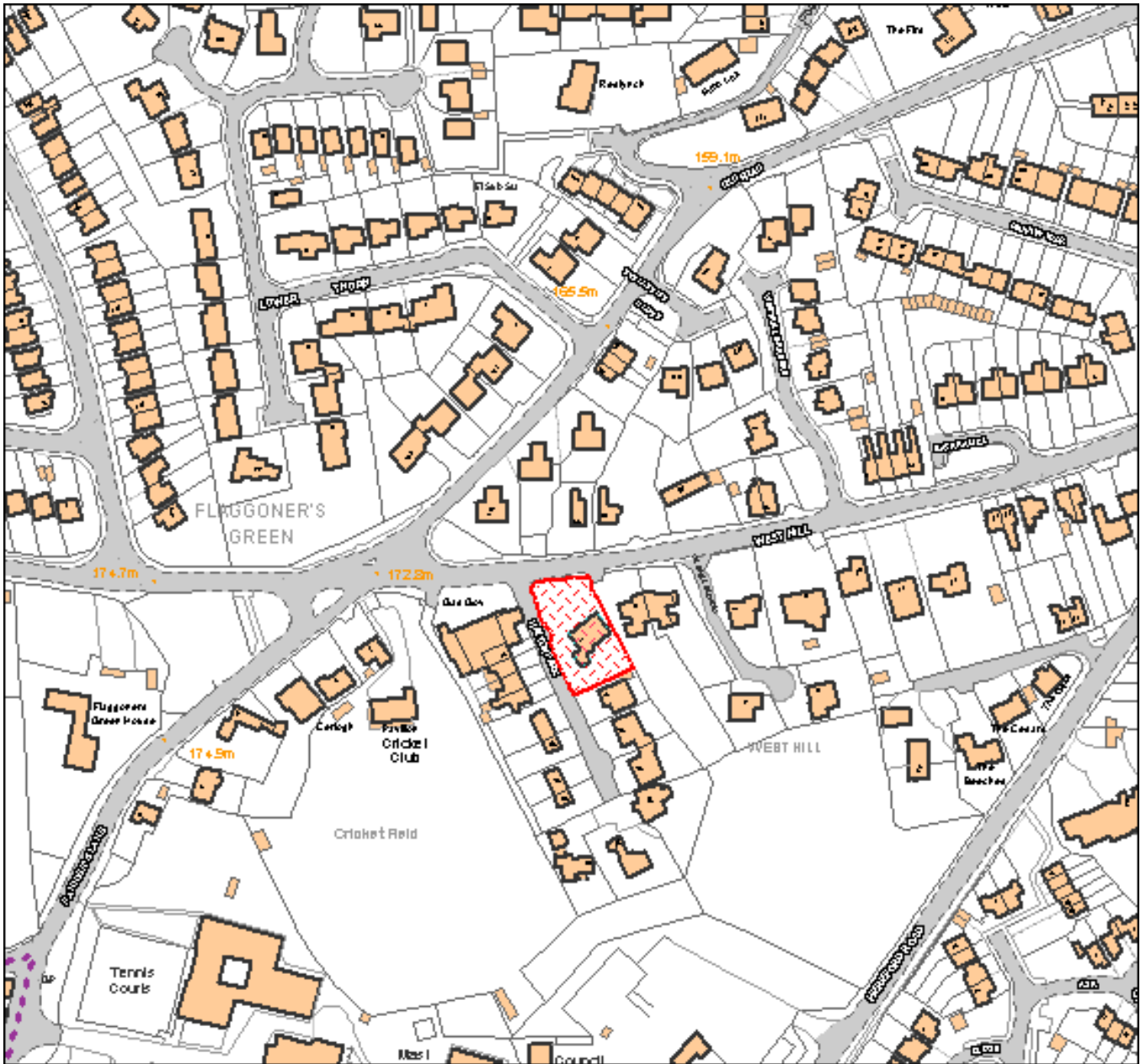
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132588/F

SITE ADDRESS : 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795