

13 DCCE2005/0292/F - CHANGE OF USE FROM RESIDENTIAL C3 TO RESIDENTIAL C2 CARE HOME FOR ADULTS WITH LEARNING DISABILITIES, INCLUDING TWO STOREY REAR EXTENSION, 48 HAFOD ROAD, HEREFORD, HR1 1SQ

For: Milbury Care Services, Homewood Design, Unit 9, Tamworth Enterprise Park Mariner, Tamworth, B79 7UL

Date Received: 31st January, 2005 Ward: Tupsley Grid Ref: 52388, 39632

Expiry Date: 28th March, 2005

Local Members: Councillors G. Hyde, Mrs M. Lloyd-Hayes, W.J. Walling

1. Site Description and Proposal

- 1.1 This application seeks permission for the change of use of 48 Hafod Road, Hereford from residential (C3) to a residential care home for adults with learning disabilities (C2). The proposal includes a two storey side/rear extension and the conversion of the existing garage to provide additional accommodation. The scheme is intended to provide 6 bedrooms and 2 self contained units (8 adults with learning disabilities in total). Staffing levels will vary depending upon activities but typically would be 4 full time staff and up to 8 support workers.
- 1.2 The site is located on the western side of Hafod Road within both an Established Residential Area and the Hafod Road Conservation Area. The existing property is a large detached dwelling house which is currently vacant.
- 1.4 This application is a re-submission of application DCCE2004/4282/F, which was withdrawn on Officer advice due to concerns over the access and parking arrangements.

2. Policies

2.1 Planning Policy Guidance:

PPG1 - General policy and principles

2.2 Hereford and Worcester County Structure Plan:

CTC15 - Preservation, enhancement and extension of conservation areas

2.3 Hereford Local Plan:

ENV14 - Design
H12 - Established residential areas – character and amenity
H21 - Compatibility of non-residential uses
CON12 - Conservation areas
CON13 - Conservation areas – development proposals
SC1 - Health care

SC3 - Facilities for the disabled

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development
S2 - Development requirements
S6 - Transport
S7 - Natural and historic heritage
DR1 - Design
DR2 - Land use and activity
HBA6 - New development within conservation areas
CF7 - Residential nursing and care homes

3. Planning History

3.1 DCCE2004/4282/F - Change of use from residential C3 to residential C2 care home for adults with learning disabilities, including two storey rear extension. Withdrawn 25th January, 2005.

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations received.

Internal Council Advice

4.2 Conservation Manager: Considers the proposal acceptable subject to a condition requiring matching materials.

4.3 Traffic Manager: Raises no objection subject to a condition relating to parking arrangement provision.

5. Representations

5.1 Hereford City Council has considered this planning application and recommends refusal on account of the anticipated increase in volume of traffic accessing the premises.

5.2 Letters of objection have thus far been received from 34 local residents, the comments of which can be summarised as follows:

- Loss of privacy;
- Loss of light;
- Dominating presence of property;
- Inadequate parking provision;
- Unacceptable traffic generation;
- Unacceptable rise in on-street parking;
- Unacceptable access arrangement;
- Precedent set by refusal of the dental surgery (DCCE2001/2615/F: Change of use from C2, residential care home, to dentist surgery with self-contained first floor flat above. Refused, January, 2002);
- Precedent set if this application is approved;
- Removal of conifers is inappropriate;

- Loss of hedgerow is unacceptable;
- Harm to Conservation Area caused by access alterations;
- Inappropriateness of area to house individuals with learning disabilities. Specific reference to safety concerns in relation to children in the area;
- Harm to trees caused by development;
- Applicants have advertised the property as a future service in the media, assuming the granting of permission. This is unacceptable and if the application is permitted will call into question the probity of planning officers;
- Noise and light pollution.
- Covenant preventing dwellings in Hafod Road from becoming a business.

5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 It is considered that the principal issues for consideration in relation to this proposal are as follows:

- The principle of development;
- Highway safety and parking provision;
- Conservation Area issues;
- Residential amenity issues;
- Design and scale.

Each of these will be considered individually.

Principle of Development

6.2 Policy H12 of the Hereford Local Plan requires the protection and where appropriate the enhancement of the environmental character and amenity of the designated established residential areas. Policy H21 states that proposals for non-residential development in the established residential areas will not be permitted where they would have an unacceptable adverse effect on the residential character and amenity of an area. Highway safety is specifically referenced. The provision of healthcare and disabled facilities is supported where in accordance with other relevant policies of the plan. In relation to health care facilities, policy specifically references the need for public and private transport accessibility. Turning to the Herefordshire Unitary Development Plan (Revised Deposit Draft), Policy CF7 supports residential nursing and care homes such as that proposed here where they have adequate private amenity space, are accessible by a choice of means of transport and have reasonable access to services and facilities, and where the use will not significantly impact upon the amenity of neighbouring residents.

6.3 The Conservation Area policies in both the above quoted Development plans require any proposal to preserve or enhance the affected Conservation Area.

6.4 In consideration of the above outlined policy stance it is quite clear that there is no fundamental policy objection to the proposed change of use, rather the acceptability or otherwise of the proposal rests upon the impact of the use upon the locality with specific regard to highway issues and residential amenities.

Highway Safety and Parking Provision

- 6.5 The Traffic Manager has raised no objection to the proposed development. The previous application proposed 6 spaces in total but failed to allow for adequate vehicle turning and access arrangements. The current proposal provides four unrestricted spaces and a single space for a disabled user, a total of five spaces. The remaining hardstanding is now hatched to ensure the required turning area and the access revised. This does include the loss of some of the existing hedgerow. The access and parking provision now proposed represent the results of direct negotiations with the Traffic Manager. While the concerns of local residents are recognised and appreciated it must be stressed that the parking provision and access arrangements accord with both the adopted and emerging Development Plan policy standards and requirements. It is considered that no refusal on highway grounds could therefore be substantiated.

Conservation Area Issues

- 6.6 The Conservation Manager has raised no objection to the proposal. It is considered that the proposed extension is appropriate in design and scale and will integrate effectively into the existing built form. The access arrangements are not considered to be cause for concern with the loss of part of a conifer hedgerow acceptable. It is considered that the proposed application will preserve the character and appearance of the Hafod Road Conservation Area.

Residential Amenity Issues

- 6.7 Developments of this type are sensitive and this is reflected in the understandably high level of local objection to this application. Amenity could potentially be effected by the physical additions proposed and the actual use of the property.
- 6.8 The proposed extension will not cause any unacceptable light loss or overbearing impact to habitable openings and privacy will be ensured through the conditioning of obscure glazing in the altered south facing elevation. The extension is not so much a rear addition as the infilling of the corner of the existing property. Impact to the rear will therefore be little different to that currently found on site. The internal alterations will not result in habitable windows where there are currently none and thus the impact would be no greater than the use of the property as a dwelling. The impact of this application upon residential amenities therefore rests on the impact of the activities associated with the use of the property, and the highway issues already discussed.
- 6.9 It is considered that the occupation of this property by 8 adults with learning disabilities, together with the associated care staff, will not cause unacceptable disturbance for local residents. The property is large with ample amenity space and it is considered that the site is capable of accommodating the proposed use without undue harm to neighbours. It has already been outlined that no objection in principle is raised to this use and it is considered that in this instance there is no residential amenity issue that can be demonstrated to support the refusal of this application. A residential care home is, it is suggested, best located in a residential area. It is ultimately a residential use where individuals will live and be supported.

Design and Scale

- 6.10 The design of the proposed extension is considered acceptable and reflects the existing architectural characteristics of the main dwelling. The alterations to the garage

will sit comfortably with the dwelling and indeed are considered more successful than the existing garage arrangement. The siting of the addition is such that the silhouette of the dwelling will be little altered. The scale is considered acceptable in the context of the locality. As note above, the Conservation Manager is satisfied with the proposed works.

Other Issues

- 6.11 The promotion of the property by the applicant prior to the determination of this application is a little regrettable but has no bearing on the determination of this application or any influence upon the ultimate decision made.
- 6.12 The setting of a precedent in planning can occur when an application is determined contrary to the principles of planning policy. As discussed above, this proposal is not contrary to the principle of policies contained in either the adopted or emerging Development Plans. As noted previously, the acceptability or otherwise of this application relates to the specifics associated with it. No precedent would therefore be set with the determination either way of this application. Every application is considered on its own merits and future applications would be considered as such. This would include the culminative effect of developments in the locality.
- 6.13 Application DCCE2001/2615/F has been referred to in a number of objections. This application was for the change of use of 5 Hafod Road to a dentist surgery. The previous use of this property was C2 (residential care home). For the interests of clarification it is advised that this application was recommended for approval by Officers but refused by Members at the Central Areas Planning Sub-Committee meeting held on the 2nd January, 2003. This refusal was appealed against but this appeal was withdrawn. It is not considered that this application sets a precedent for this application, as stated above.
- 6.14 While no specific controls over the occupants of this property are reasonable, a condition will be imposed to restrict this property to the specific use applied for, thereby controlling the future use of this premise.
- 6.15 The covenant raised is not a planning matter but rather a legal issue.

Conclusion

- 6.16 This application is in accordance with parking and highway safety requirements and is considered to pose no unacceptable harm to the residential amenities of neighbouring properties, or to the Hafod Road Conservation Area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 E06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

5 E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

6 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

7 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8 F38 (Details of flues or extractors)

Reason: In the interests of the amenity of the area.

9 F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

10 G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 G17 (Protection of trees in a Conservation Area)

Reason: To ensure the proper care and maintenance of the trees.

12 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

INFORMATIVES:

1 N03 - Adjoining property rights

2 N11A – Wildlife and Countryside Act 1981 (as amended) - Birds

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.