

16 DCCE2005/0032/F - RETIREMENT VILLAGE/INDEPENDENT LIVING SCHEME WITH VILLAGE HALL AND RESTAURANT, WELFARE AND RECREATIONAL FACILITIES, ADMINISTRATIVE AND CARE FACILITIES, SELF-CONTAINED ACCOMODATION UNITS AND CAR PARKING. LEDBURY ROAD NURSERIES, LEDBURY ROAD, HEREFORD

For: Elgar Housing Association Ltd, Hulme Upright Manning, Highpoint Festival Park, Stoke On Trent, Staffs, ST1 5SH

Date Received: 7th January, 2005 Ward: Aylestone Grid Ref: 51997, 39932

Expiry Date: 4th March, 2005

Local Members: Councillors A. Williams, D.B. Wilcox

1. Site Description and Proposal

- 1.1 The application site comprises a substantial roughly rectangular plot located in a set back position to the north of Ledbury Road. The site known as Unity Gardens was formerly occupied on a temporary basis as a community garden but is now disused, being characterised by a range of vacant buildings previously used in connection with its historic use as a nursery. A large area of land to the west of the complex of the buildings is laid to grass and whilst the site is predominantly undeveloped the buildings are visible from public vantage points around the site. It is however relatively well screened from the surrounding area by mature trees and coniferous hedgerows.
- 1.2 The site lies within the settlement boundary of Hereford and is designated as an Established Residential Area, Its residential context is principally defined by the properties forming Highgrove Bank and Bladon Crescent which occupy an elevated position to the east and north of the site respectively and provide a backdrop in views across the site from the south and west. In views from Ledbury Road, a landscaped context is provided by Unity Garden, which is designated as Public Open Space. The western boundary is defined by the Eign Brook and as such a proportion of the site lies within an area at risk of flooding. The Eign Brook is also designated as a Site of Importance for Nature Conservation (SINC).
- 1.3 Detailed planning permission is sought for the redevelopment of the nursery site in order to create an 'extra care village'. The scheme as proposed incorporates a total of 96 units (predominantly 2 bed apartments) to provide accommodation for elderly residents. The proposal takes the form of a roughly H-shaped block comprising a range of single, two, three and four storey elements utilising brick render and glazed elevations under a concrete tiled roof. Revisions to the originally submitted scheme have resulted in the inclusion of a detached block of 3 single storey units which would be located in the north east corner of the application site.

- 1.4 In addition to the residential element, the accommodation will incorporate a restaurant/bar and lounge, a communal hall space, a shop, health and fitness facilities, a craft/hobby room, greenhouse, beauty salon, jacuzzi and sauna, IT suite, an assisted bathroom, library and reading room, woodwork room and an on site laundry.
- 1.5 The village facilities would be made available to non-residents living in the local community through a membership scheme and the supporting information provided with the application identifies that the accommodation within this scheme would be made available through a range of tenure options including long lease and affordable rent arrangements.
- 1.6 Access would be derived via the existing service road, which would be widened and provide an enhanced entrance to the proposed parking area. The scheme would retain public access routes through the site serving Bladon Crescent. A service road would be constructed along the north boundary of the site providing access for refuse and possibly emergency vehicles. The parking area which offers provision for a total of 45 cars would be located on the eastern side of the 4 storey accommodation block.
- 1.7 The application is accompanied by a Flood Risk Assessment, an Ecological Appraisal and a Contamination Survey, the submission of which has resulted in a significant delay in the consideration of the application. A Design Statement and an Independent Living Care Philosophy Statement also form part of the submission.

2. Policies

2.1 Government Guidance:

PPG1	-	Delivering Sustainable Development
PPG3	-	Housing
PPG9	-	Nature Conservation
PPG13	-	Transport
PPG25	-	Development and Flood Risk

2.2 Hereford & Worcester County Structure Plan:

CTC9	-	Development Requirements
CTC11	-	Trees and Woodlands
CTC18	-	Development in Urban Areas

2.3 Hereford Local Plan:

ENV1	-	Land Liable to Flood
ENV2	-	Flood Storage Areas
ENV3	-	Access for Watercourses
ENV8	-	Contaminated Land
ENV14	-	Design
ENV15	-	Access for All
ENV16	-	Landscaping
ENV18	-	External Lighting
H3	-	Design for Non Residential Development
H5	-	Public Open Space Provision in Larger Schemes
H7	-	Communal Open Space
H8	-	Affordable Housing
H9	-	Mobility Housing

H10	-	Housing for the Elderly
H12	-	Established Residential Areas – character and amenity
H13	-	Established Residential Areas – loss of features
H14	-	Established Residential Areas – site factors
CON21	-	Protection of Trees
NC3	-	Site of Local Importance
NC6	-	Criteria of Development Proposals
T1A	-	Commercial Road/Ledbury Road Link
T5	-	Car Parking – designated areas
T6	-	Car Parking – restrictions
T11	-	Pedestrian Provision
R1	-	Public Open Space
R13	-	Public Rights of Way
IMP3	-	Planning Obligations

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
DR10	-	Contaminated Land
DR14	-	Lighting
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H9	-	Affordable Housing
H13	-	Sustainable Residential Development
H14	-	Re-Using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
T6	-	Walking
T11	-	Parking Provision
T16	-	Access for All
NC4	-	Sites of Local Importance
CF7	-	Residential Nursing and Care Homes

3. Planning History

- 3.1 CE2002/2773/F - Change of use of former Council nursery to allow public access for community garden, daytime café and shop. Temporary permission approved. Permission expired.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: I refer to the additional plans (Flood Risk Assessment, reference R40001Y001-A) as submitted, which were received on 23rd March, 2005.

The Agency maintains its objection to the proposed development, at this time, because the Flood Risk Assessment (FRA) has not addressed the issues in sufficient detail.

The FRA needs to consider the consequences of flooding, to ensure that they are capable of being managed in an acceptable way. In particular the following points require further attention and additional information as requested, from a flood risk perspective.

1. The FRA has estimated the 1% annual probability event (ape) plus 20% to be 0.928m³/s. It should be noted that the Environment Agency has received FRA's for sites upstream of the proposed development on the Widemarsh Brook which have estimated 1% ape to be in the order of 6.6m³/s. The Widemarsh Brook joins the Eign Brook at Commercial Road.
2. The details of the roughness values, as used for channel flow, should be stated in the report, together with analysis of the sensitivity of the site to a high roughness values where channel maintenance is not carried out.
3. The FRA has shown that there is a downstream structure (Ledbury Road Bridge) that has very little watercourse headroom clearance. There are also services within the structure that would cause serious blockage. The FRA should establish what affect blockage of the structure would have on the development site, in terms of flood risk implications.
4. The hydraulic model and ground levels should be related to Ordnance Survey Datum. There has been no indication of whether the mode has been calibrated.
5. It should be noted that the Environment Agency has historical records of the site flooding. An officer within the Agency's Flood Defence Team can recall floodwater on the Ledbury Road approximately 33 years ago at this location. The report should consider whether the River Wye extreme flood outline will influence flood levels from the Eign Brook.
6. Surface water details should be confirmed, showing the principle use of SUDS in the first instance, bearing in mind that all or parts of this site may be contaminated.

Note – There is a Greenfield Run-Off Restriction of 10 litres/sec/ha for any proposed development or impermeable surface within the River Wye catchment.

At this time the Agency's objection still stands as it has not been demonstrated that the site can be developed and occupied safely, with respect to flood risk.

Internal Council Advice

- 4.2 Traffic Manager: Comments that the parking provision is satisfactory based on the comparative information submitted with the application and recommends the consideration of contributions towards a pelican crossing, a bus shelter and bus boarders. The Travel Plan framework submitted in the supporting information should form the basis of a condition attached to any approval. No objection is raised to the proposed access arrangements although a dedicated ambulance space should be identified on the plan.

- 4.3 Conservation Manager: Raises no objection in principle but advises the need to reduce the visual impact of the proposal. It is suggested that the scale of the east and west elevations should be reduced together with articulation of the ridgeline. A standard archaeological watching brief condition is recommended in relation to potential prehistoric deposits and remains of historic brickworks in the locality. Comment in respect of the revised layout in relation to landscape implications are awaited at the time of writing and will be reported verbally to Committee Members. In response to the Ecological Assessment it is noted that detailed survey work in respect of Great Crested Newts, Slow Worms, Water Voles, White-Clawed Crayfish and Bats remains outstanding and that this work should be carried out prior to the determination of any application.
- 4.4 Forward Planning Manager: In summary it is advised that the site is located within the established residential area and as such residential development is deemed acceptable in these areas. The site is considered to be predominantly brownfield, the redevelopment of which is supported by plan policy. There is concern regarding the provision of on-site open space in the proposal. However, there is provided open space adjacent to the site which might be enhanced. Issues regarding flooding would need to be resolved.
- 4.5 Head of Strategic Housing Services: Fully supports this planning application, and has worked in partnership with Elgar Housing Association, ExtraCare Charitable Trust, colleagues in Social Care and the Primary Care Trust to bring this planning application forward to the current stage of a full application.

The scheme has received capital grant funding of £4.6M from the Department of Health after the Council made a successful bid for funding from a national funding pot. In addition, Herefordshire Council has committed £3.1M of its own LSVT capital resources to help fund the scheme with the ExtraCare Charitable Trust providing a further £1M from its charitable sources and private finance from Elgar Housing Association.

The Supporting People Commissioning Body have endorsed Supporting People funding for the housing related provision within the scheme

The scheme is supported by the Hereford Allotment and Leisure Gardens Society and it benefits from a land 'swap', whereby land currently used by the Society, and leased from Hereford City Council, will be transferred to Elgar Housing Association via Herefordshire Council, and adjacent land currently lying fallow will be transferred to the City Council having been improved to make it suitable for allotments use.

The scheme conforms to and supports the Health and Social Care Business Plan for Older People, the Council's Housing Strategy, and the Herefordshire Partnership by helping to meet the accommodation needs of the County.

The benefits of the scheme to Herefordshire, and more particularly the environs of Hereford, are immense and not easily quantified. 70 much needed affordable flats, for rent and shared-ownership, will be provided for the age group 55+, and 30 flats for outright sale, together with a range of facilities to encourage an active lifestyle for residents. The scheme will promote a mixed community, a social inclusion generally, with good potential for the involvement of the local community in various activities and for the community to have access to some of the facilities.

With regards to contributing towards other services in the area due to the scale of the development, these include the following:

- Around 70% Affordable housing for rent and shared ownership, is being provided on the scheme, double the target amount in the evolving UDP.
- The community facilities/activities will also be available to the surrounding community, including organised trips away from the scheme, which will contribute to the wider aims of the scheme, including enabling people to live more independently for longer.
- The existing public open space will be enhanced to provide a more attractive area for the neighbourhood and also by providing a focal point for Ledbury Road.
- Continued partnership working with the allotment society to promote recycling materials from the scheme for the better use of the land and produce production.

In addition to the immediate community benefits, through the Local Authority's contribution towards the total scheme costs to Elgar Housing Association, the Council will receive from the transfer of LSVT reserves to corporate non-housing reserves a % of this receipt. Subject to the Treasurer's advice this would likely be available under the Council's scheme selection process to fund other community initiatives within Herefordshire.

Should additional planning gain contributions be sought, it will be inevitable that the affordable housing element will suffer accordingly and possibly fewer local people would be likely to benefit from this much needed accommodation to meet the needs of the growing older population in Herefordshire.

Any homes built will meet Housing Corporation Scheme Development Standards, including an EcoHomes 'GOOD' rating as a minimum, and meet Lifetime Homes standards.

All the homes, including the affordable units, would be allocated via an allocations panel made of representatives of the Partnership, which includes representatives from the Council's Social Care Directorate, and would be advertised through Home Point, Herefordshire.

- 4.6 Head of Environmental Health and Trading Standards: Raises no objection subject to a condition requiring condition in respect of contaminated land surveys.
- 4.7 Parks, Countryside and Leisure Development Manager: Accepts the scheme does not warrant play facilities for young children and notes that the emphasis is on providing a small landscaped courtyard as well as the adjacent Public Open Space (POS). It is agreed that improvements to the existing POS would be beneficial. A request for a financial contribution in lieu of the non-provision of open space is made and it is suggested that a contribution towards the provision of a pavilion serving the proposed bowling green at Aylestone Park should be considered.

5. Representations

5.1 The initial application has been the subject of a number of revisions which has resulted in a total of 23 responses raising the following specific concerns:

- proximity and height of building in relation to neighbouring property is unacceptable
- additional parking and service road use will effect residential amenity

- loss of privacy
- scale of development out of keeping with surrounding properties
- over intensive form of development detrimental to character and appearance of the area
- overdevelopment of the site
- occupation needs to be restricted effectively
- principle of the proposal unacceptable (not brownfield land)
- site specifically not allocated for housing development due to site constraints (access, flood risk, residential amenity)
- land should be retained as public open space and protected for its own sake
- site does not have sufficient capacity to cope with development of this scale
- nature conservation interests must be safeguarded
- development will have adverse impact on flood risk
- access is not acceptable, detrimental to highway safety
- additional traffic will result in pollution of the environment.

5.2 At the time of writing a further 13 letters of objection had been received in response to the consultation on the finally revised scheme. It is possible that further responses will be submitted and these will be reported verbally to Members. No new concerns are raised but reference is made to the additional four storey element and its impact on residents of Highgrove. The summary of response set out above therefore remains relevant.

5.3 Hereford City Council comment that the elevations are considered to be uninspiring and constitute too dense a mass; industrial in appearance and lacking warmth, and environmentally incompatible with adjacent development. Principle of site use and concept fully supported. A further response following an additional consultation indicates that the City Council, as landowner, makes no comment on the proposals.

6. Officers Appraisal

6.1 The scale of this proposal, if not its fundamental principle, has resulted in a significant adverse response from local residents and other interested parties and following the site visit carried out by Members of the Central Area Planning Sub-Committee on 18th April, 2005 further revisions have been made. In addition to the design revisions additional submissions in respect of ecological value, flood risk and contamination have been provided, which has resulted in some delay in bringing forward a report. It should be noted that the recommendation and associated conditions reflect the matters outstanding at the time this report was written.

6.2 The main considerations in the determination of this application are as follows:

- (a) The concept of extra care accommodation and the principle of development;
- (b) Design, scale and character;
- (c) Impact on residential amenity;
- (d) Provision of affordable housing/nature of occupation;
- (e) Implications for public and private open space/recreation provision;
- (f) Highway safety, access and highway improvements;
- (g) Flood risk/contamination issues; and
- (h) Nature conservation.

Concept of Extra Care/Principle

- 6.3 The submission of this scheme follows a consultation exercise carried out in the early part of 2005 and it represents a joint venture between Herefordshire Council, The Elgar Housing Association and the Extracare Charitable Trust seeking to provide high quality accommodation for older people in need of varying levels of care typically above the age of 55. The proposals involve the provision of a total of 96 units of accommodation including one and two bed apartments. In addition to the living accommodation an extensive range of communal facilities would be provided including a restaurant, a hall space, shop, a fitness studio, hairdressers, a library and reading room and an IT suite which would be for the benefit of residents, but through a membership scheme these facilities would be made available for non-residents over the age of 55 from the wider community.
- 6.4 The intention would be to provide a mix of tenure options including long leases and rental agreements and the referral process would be managed in a joint agreement between Herefordshire Council and the Housing Association. It is suggested in supporting information that if approved the scheme could support in the region of 50-60 new jobs.
- 6.5 The application site is not specifically allocated for any purpose either in the Hereford Local Plan or the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) but it clearly lies within the settlement boundary of Hereford where the principle of a wide range of uses, including residential development, would be considered broadly acceptable. Within this context whilst the facility as a whole is self sustaining in terms of the facilities it provides, the site occupies a sustainable location benefitting from access to existing public transport and reasonable pedestrian links to city centre services. In this respect, and notwithstanding views expressed in relation to the importance of the openness of the site and reference to its previous use as a community garden, it is considered that the principle of this proposal is an acceptable one having regard to adopted and emerging plan policies.

Design, Scale and Character

- 6.6 The overall scale this proposal has been acknowledged and having accepted the principle of residential development on this site, the approach to the design in terms of integrating the significant number of apartments and associated facilities into the established residential character of the surrounding area represents a key consideration.
- 6.7 Revisions to the scheme have reduced the number of apartments to a total of 96 although the design continues to incorporate 3 and 4 storey elements along the north, south and east facing elevations. The approach adopted in this instance is a predominantly traditional one incorporating contemporary elements such as the glazed 'winter garden' and the asymmetric design of the roof. The intention is to seek to reduce the perceived scale of the proposed building through the use of contrasting materials (in this case red brick and render) which serve to break up the overall mass and introduce a vertical emphasis. The articulation of the massing is also achieved through the 'stepped' arrangement of the design which includes single storey elements next to the public gardens, a 2 storey section in the sensitive north east corner of the site and a combination of 3 and 4 storey blocks within the heart of the scheme. Other devices include the use of bay windows, conservatories, balconies and the breaking of the roof ridge aimed at reducing the overall scale of the

development and creating the appearance of individual blocks of a less significant and more appropriate residential scale.

- 6.8 It is noted that the overall size of the development and its design are the main causes for concern and these views are acknowledged. However having regard to the context of this site which occupies a relatively low lying position set against a backdrop of the County Hospital, elevated residential development on land which rises in a north easterly direction away from the site and the well established landscape context provided by the public open space and existing boundary treatments it is considered that it can be successfully integrated into the site without detriment to the character and appearance of the surrounding residential area.
- 6.9 The proposal would inevitably result in the loss of open character of the largely undeveloped site, although it should be noted that it is not specifically protected for its contribution to the amenities of the area. It remains the case that in its developed form, the site would sit within a largely open setting defined by the public open space to the south and the allotments to the north.
- 6.10 Overall it is suggested that the relatively understated and traditional design approach rather than the alternative contemporary landmark building represents the most appropriate one in the locality and whilst subjective views on the design are divided, the scheme in its revised form satisfies the requirements of Policies ENV14, H12, H13 and H14 of the Hereford Local Plan and equivalent policies in the emerging Herefordshire UDP (Revised Deposit Draft).

Impact on Residential Amenity

- 6.11 The site shares common boundaries with existing properties along the eastern boundary and part of the northern boundary which is otherwise shared with allotment gardens and it is clear from a number of objections received that there are significant concerns in relation to the potential overbearing impact of the proposal, the implications for privacy as well as noise and disturbance associated with construction work and the use of the proposed service road.
- 6.12 It is acknowledged that with a maximum four storey height of approximately 15 metres, the impact on neighbouring properties requires very careful attention. It is considered that the main area of concern is the north east corner of the site where the proposed development relates to 13 Bladon Crescent. The revisions made to the design and layout of the main block have enabled this area to be revisited and the result is that the storey heights have been reduced to a combination of 2 (7.3 metres) and 3 (13.2 metres) storeys positioned some 14 metres and 21 metres respectively away from the property. It is considered that the combination of the relative distance, the elevated position of 13 Bladon Crescent and its garden, the reduction in height and the sloping nature of the nearest roofs results in an acceptable relationship which would not adversely effect amenity such that the refusal of planning permission would be warranted.
- 6.13 The properties along the northern boundary would be between approximately 28 metres and 48 metres of the proposed 2 and 4 storey elements of the accommodation and as such would not be adversely affected in terms of overbearing effects or loss of outlook.
- 6.14 With regard to privacy, again the relationship to 13 Bladon Crescent is of critical importance. In this respect the revised 2 and 3 storey accommodation blocks have

been designed so that windows facing the garden would serve bathrooms and could be obscure glazed. A condition is recommended to ensure that this is restricted in an appropriate manner. Bedroom accommodation would look out towards the properties along the eastern boundary but due to the positioning of the main block the distance between the new and existing properties would vary between 28 metres and 48 metres such that it would not be reasonable to object to the proposal in terms of the loss of privacy. It is further advised that the elevated position of the existing properties coupled with additional planting proposed within the car parking area would ensure any effect would be minimal.

- 6.15 The use of the parking area and the service road running around the rear of the proposed development is a further cause for concern. The development in terms of the nature of occupation will not attract the same level of vehicular activity as a private and unrestricted residential development and as such the extent of parking is significantly less than would otherwise be the case. It is not considered that the comings and goings of vehicles from the site would be so out of character with this Established Residential Area that planning permission could be reasonably withheld but it is acknowledged that lights from cars during the evening could result in a degree of disturbance and as such the provision of a suitable boundary treatment coupled with the soft landscaping proposals is recommended.

Affordable Housing/Nature of Occupation

- 6.16 The revised scheme proposes a total of 96 units of accommodation and it is submitted that a substantial 85% of these units would be affordable and made available for rent and shared ownership to local people qualifying through selection criteria operated by the joint agreement between Herefordshire Council and the Housing Association. The total number of affordable units, albeit restricted in terms of the age of occupants, would far exceed the proportion that would be delivered through a speculative housing development and will serve to meet a specifically identified local need within Hereford. The support offered by the Head of Strategic Housing is noted and the comments provided in the consultation summary offer an endorsement to the potential benefits of this proposal in affordable housing terms.
- 6.17 The proposals as inferred above do not offer accommodation for young people in housing need but it is suggested that the take up of units within this scheme could release a wide range of smaller dwellings within the city that would offer a greater choice of more affordable homes.
- 6.18 The long term availability of the non-market residential units would be protected by means of a suitably worded condition as would the age restriction on occupation which is important in terms of the justification for the reduced number of parking spaces being proposed.
- 6.19 Careful consideration has been given to the advice set out in PPG3 – Housing, existing adopted policies and those emerging through the UDP together with relevant circular advice and whilst it could be argued that the development as proposed does not offer a wide range of housing types and sizes or result in what might be described as a mixed community development in terms of the age groups represented, it offers a relatively unique opportunity to meet a very specific need within the wider context, the demand for which is projected to grow in future years. The site is well located in terms of access to services and the substantial number of affordable units proposed is considered to outweigh the issues of diversity identified

above and as such, subject to appropriate restrictions the proposal is supported on these grounds.

Public/Private Open Space

- 6.20 Policy requirements in relation to developments of this scale would normally attract the need for on-site provision of recreational play space although in this particular instance, having regard to the age profile of potential occupants it is acknowledged that this would not be necessary. The proposal incorporates a landscaped courtyard and is well related to the existing public open space (Unity Garden). In this context, the applicant has agreed to carry out enhancement works primarily through additional soft landscaping to the public open space and the intention would be to secure further improvements to boundary treatments to improve the appearance.
- 6.21 Reference is made in the Representations section to a request for a financial contribution to assist in the delivery of a bowling green at Aylestone Park. This has been resisted by the applicant on financial grounds since the extent of affordable units proposed is such that significant additional costs could adversely affect its implementation. It should also be borne in mind that this site is not geographically well related to Aylestone Park and as such the reasonableness of such a contribution is brought into question. A further factor is that the extra care philosophy is such that a membership scheme would operate for those qualifying in the local community enabling access to health and fitness equipment and other facilities aimed at promoting an active lifestyle.
- 6.22 It is considered that the material considerations relating to this scheme are such that the normal development led requirements should be suspended in this case in order to enable the significant benefits of the affordable element of the proposal to carry forward.

Highways/Access

- 6.23 Vehicular access to the proposed development would be obtained via the existing driveway, which would be widened to 6 metres with the splayed entrance also being enhanced to meet highway standards. The new access road would incorporate a pedestrian footway enabling safe access through the site via the existing footpaths through the public open space and beyond through into Bladon Crescent. A raised pedestrian crossing point would be provided close to the Ledbury Road junction to facilitate a safe pedestrian route across the enhanced vehicular access.
- 6.24 The improved access and visibility splay are considered acceptable by the Traffic Manager, as is the proposed parking provision. A total of 45 car parking spaces (including 10 disabled person spaces) is proposed within a landscaped forecourt to the east of the main accommodation block. The reduced level of parking is considered appropriate having regard to the limited car use associated with a facility catering for more elderly residents and to the relatively sustainable location of the development in relation to existing public transport routes and pedestrian links to the city centre (although it is acknowledged that pedestrian access to the city centre is unlikely to be a realistic option for older residents).
- 6.25 A comparison of other sites developed by the applicant indicates that the parking provision in this case is somewhat greater than has been the case in other locations such as Berryhill, Warrington, St Helens and Broxstone. Furthermore the basis of a Travel Plan promoting sustainable alternatives to the use of private car has been

discussed and would form part of a further detailed submission by way of a condition should permission be granted.

- 6.26 Consideration has been given to financial contributions to provide a pelican crossing, a bus shelter and boarders (raised kerbs and platforms) to assist with access to buses and it is recommended that these improvements are justifiable in the context of the development as proposed which is partly promoted through a commitment to sustainability. These contributions which combined would amount to a total of £34,000 would be sought through a Section 106 Agreement, or potentially a suitably worded Grampian condition, and would be used specifically for the facilities identified above.
- 6.27 Subject to other appropriate conditions it is considered that the highway related matters raised by this applicant have been satisfactorily addressed, although it is advised that such a contribution may have implications for the proportion of affordable units provided through this scheme. It should be noted that Commercial Road/Ledbury Road link identified in the Hereford Local Plan which affects part of the site does not form part of the emerging UDP policies and as such is of limited weight and would not represent a basis for objecting to this proposal.

Flood Risk/Contamination

- 6.28 At the time of writing the Environment Agency continues to object to the proposed development on the basis of the sites location within the flood plain of Eign Brook and Flood Zone 2. Issues remain outstanding in relation to the Flood Risk Assessment that was subsequently submitted and these are being pursued by the applicant with a view to overcoming additional technical requirements. The recommendation reflects this outstanding matter but it should be stressed that the flood risk issue is a highly sensitive one and could prejudice the development of a significant proportion of the site. It is possible that the remodelling of the existing Public Open Space involving slight reduction in ground levels could provide sufficient flood storage capacity to overcome the holding objection. The details of this however have not been finalised.
- 6.29 A desk top contaminated land survey has been undertaken and it is considered that this provides an acceptable basis for the conditioning of contamination and remediation measures

Nature Conservation

- 6.30 The site lies adjacent to the Eign Brook, a Site of Importance to Nature Conservation (SINC) and as such has the potential to support protected species. An ecological assessment has been carried out and certain conclusions have been drawn and agreed with the Conservation Manager. Specifically compensation for the loss of vegetation and preventive measures for the spread of invasive plant species have been supported. However the assessment does not incorporate detailed survey work in respect of Great Crested Newts, Slow Worms, Water Voles and Otters, White Clawed Crayfish or bats, the absence of which does not allow the determination of the application at this stage.
- 6.31 The additional survey work could take until October 2005 to complete and as such the recommendation reflects this situation. The findings will enable an appropriate condition relating to compensation and mitigation to be formed and may necessitate the redesign of the proposal.

RECOMMENDATION

Subject to there being no objection from Environment Agency, Conservation Manager and English Nature (if appropriate); and should a Grampian condition in respect of highway improvements be deemed unacceptable:

- (i) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 (as amended) to secure a financial contribution of £34,000 in lieu of highway improvements including provision of a pelican crossing, bus shelter and bus boarders and any additional matters and terms as she considers appropriate.
- (ii) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

2. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. AL(0)02 Rev 6, 04 Rev H, 05 Rev H, 06 Rev G, 07 Rev G, 08 Rev F, 09 Rev F, 10 Rev F, 11 Rev F and 14 Rev D), except where otherwise stipulated by conditions attached to this permission.

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

3. No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4. The chimney flue[s] shall have a dark matt finish of a colour which shall first be approved in writing by the local planning authority.

Reason: To protect the general character and amenities of the area

5. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of

any works forming part of the development shall be given in writing to the County Archaeology Service.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in perpetuity and in full accordance with the approved scheme. The scheme shall include:

- (i) The numbers, type and location of the site of the affordable housing provision to be made;
- (ii) The timing (the construction of the affordable housing);
- (iii) The arrangements to ensure that provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- (iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: To ensure that an appropriate type and level of affordable housing is provided and maintained within the scheme and in recognition of the specific nature of this approved scheme.

7. The occupation of the residential units hereby approved shall be restricted to a person or persons aged 55 or above unless otherwise agreed in writing by the local planning authority.

Reason: In recognition of the specific nature of this approved scheme, the reduced level of parking provided and in the interests of the character and amenities of the area.

8. Prior to the use or occupation of the residential development hereby permitted, and at all times thereafter, the windows marked "X" on the approved plans shall be glazed with obscure glass only [and shall be non-opening].

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

9. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

10. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the building[s] hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided.

11. Details of any [floodlighting] [external lighting proposed to illuminate the development] shall be submitted to and approved in writing by the local planning authority before [the use hereby permitted commences] [and] [the building(s) is/are occupied]. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities.

12. No external flues or extractor equipment shall be installed at the premises without the prior written approval of the local planning authority.

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

13. Prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

14. No development approved by this permission shall be commenced until:

(i) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing with the local planning authority;

(ii) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Reclamation Method Statement) have been submitted to and approved in writing by the local planning authority;

(iii) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.

If during reclamation works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed in writing with the local planning authority.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

- 15. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 16. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] [before the building(s) is/are occupied] [in accordance with a timetable to be agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 17. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.**

Reason: In order to protect the visual amenities of the area.

- 18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.**

Reason: In order to protect the visual amenities of the area.

- 19. The landscaping scheme required by condition No. 17 above shall include the following:**

(a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

(b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

(c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

20. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for improvements to the public open space to the south of the application site. The occupation of the development shall not begin until these works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

Reason: To secure appropriate mitigation and enhancement of the public open space in the interests of the character and amenities of the locality.

21. No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:

(a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.

(b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.

(c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.

(d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

22. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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

23. Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

24. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety.

25. Before the development is commenced a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

26. Prior to the first occupation of the development authorised by this permission a Travel Plan promoting alternative sustainable forms of transport shall be submitted to and approved in writing. The measures identified in the Travel Plan shall be implemented in accordance with the approved details and access shall be provided to the associated records upon reasonable request in order to monitor and revise the requirements of the Plan.

Reason: To ensure a range of sustainable alternative modes of transportation are provided/promoted as part of the ongoing occupation of the development.

INFORMATIVES:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
2. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
3. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), County Offices, Bath Street, Hereford, HR1 2HQ Tel: 01432-260786, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
4. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
5. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
6. All protected birds, their nests and eggs are protected by law and it is thus an offence to:
intentionally kill, injure or take any wild bird
intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
intentionally take or destroy the egg of any wild bird
intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist.

7. It is an offence for any person to:
Intentionally kill, injure or take protected bats.
Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist. You can also call the UK Bat helpline on 0845 133 228.
8. The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford Local Plan:

ENV1 - Land liable to flood

ENV2 - Flood storage areas

ENV3 - Access for watercolours

ENV8 - Contaminated land

ENV14 - Design

ENV15 - Access for all

ENV16 - Landscaping

ENV18 - External lighting

H3 - Design for non-residential development

H5 - Public open space provision in larger schemes

H7 - Communal open space

H8 - Affordable housing

H9 - Mobility housing

H10 - Housing for the elderly

H12 - Established residential areas - character and amenity

H13 - Established residential areas - loss of features

H14 - Established residential area - site factors

CON21 - Protection of trees

NC3 - Site of local importance

NC6 - Criteria of development proposals

T1A - Commercial Road/Ledbury Road Link

T5 - Car parking - designated areas

T6 - Car parking - restrictions

T11 - Pedestrian provision

R1 - Public open space

R13 - Public rights of way

IMP3 - Planning obligations

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.