

DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ

For: Shaw Healthcare Herefordshire Ltd per Pentan Partnership, Beaufort Studio, 1 Atlantic Wharf, Cardiff, CF10 4AH

Date Received:
3rd March 2005

Ward:
Ledbury

Grid Ref:
70744, 38028

Expiry Date:
28th April 2005

Local Members: Councillors P Harling, B Ashton & D Rule MBE

Introduction

The application was deferred by the Main Planning Committee on 15th July 2005 to allow Members to undertake a site visit. This occurred on 1st August 2005. Members walked the site and also viewed it from Orchard Lane, having particular regard to the scale, bulk and visual impact of the proposal on the surrounding area.

No further amendments or additional comments have been received since the site visit and therefore the application falls to be considered on the information available to officers prior to the compilation of their first report on 15th July 2005.

1. Site Description and Proposal

- 1.1 This application is for the erection of a new extra care home, a 20 place day centre and associated facilities on the site of the existing Leadon Bank Nursing Home on Orchard Lane, Ledbury.
- 1.2 The proposal comprises a mixed height development. The original submission ranged from single to five storeys, its maximum height being 16 metres. However, the plans have now been amended and no part of the scheme exceeds 3½ storeys.
- 1.3 The proposal has been designed as two residential wings linked by the new day care area. The first wing seeks to create a road frontage along Orchard Lane, and this is stepped to create visual breaks and a reduction in its dominance. It is 3½ storeys, utilising the roof space, and this brings the height down to 13.4 metres. The second wing lies behind and comprises a 2½ storey element, 10.3 metres in height. The two are linked by the single storey day care area. This forms the main entrance to the premises and creates a focal point when approaching via the main vehicular access, which is to be retained as existing.
- 1.4 The rationale of the scheme is such that it will be constructed on site prior to the demolition of the existing care home. This was made as a fundamental design

requirement in order that existing residents can remain in occupancy whilst the new facilities are constructed and avoid a temporary move to other accommodation.

- 1.5 In light of this constraint, the proposal is located on an area of land between the existing building and the Orchard Lane road frontage.
- 1.6 The site slopes generally in a west/east direction with a further drop at the boundary with Orchard Lane. At its greatest, the difference between the two amounts to approximately 1.5 metres. The application includes a comparative height study that shows the proposal in relation to Orchard Lane and other features in the immediate area including Belle Orchard House, a Grade II Listed Building, and residential dwellings to the rear (north) of the site.
- 1.7 The site is well vegetated with a range of mature trees and hedgerows providing that the existing care home is almost totally obscured from view from Orchard Lane. The application also includes a full tree survey, identifying those which are in need of attention and those that are healthy. An ecological report also accompanies the application.

2. Policies

2.1 Hereford and Worcester County Structure Plan

CTC9 – Development Requirements
CTC11 – Trees and Woodlands

2.2 Malvern Hills District Local Plan

Conservation Policy 11 – The Setting of Listed Buildings
Housing Policy 17 – Residential Standards

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
DR1 – Design
DR3 – Movement
LA5 – Protection of Trees, Woodland and Hedgerows
LA6 – Landscaping Scheme
HBA4 – Setting of Listed Building
CF5 – New Community Facilities
CF7 – Residential Nursing and Care Homes

3. Planning History

None relevant to this application.

4. Consultation Summary

Statutory Consultations

- 4.1 None received.

Internal Council Advice

- 4.2 Traffic Manager - no objection subject to conditions. These are to include the provision of secure cycle parking for employees, the completion of a 'Green Travel Plan' prior to the commencement of development and the provision of an ambulance parking bay.
- 4.3 Head of Environmental Health and Trading Standards - no objection subject to conditions to restrict construction times.
- 4.4 County Archaeologist - no objection.
- 4.5 Conservation Manager: 'This proposal would introduce a major vertical emphasis to the streetscape, which it currently lacks. The architect has attempted to break this up by varying the height stepping forwards and back and using a variety of materials. In principle this would appear to be a reasonable strategy and hopefully would lessen the impact. However given the current heights to the street of 2 storey Victorian housing and the somewhat large 3 storey adjacent listed building I believe that this scheme may still prove to be too dominant within the streetscape as a whole. It may therefore be useful to contemplate reducing this elevation by 1 storey in scale and introducing more height to the rear block. Other minor alterations that may improve the visual impact would be to break up the large render panel proposed for the main north elevation; perhaps using either windows or another material possibly even some form of public art.'

5. Representations

- 5.1 In response to the amended plans Ledbury Town Council comment as follows: 'Members still consider this to be over-development of the site and feel that the proposals are totally out of keeping for the area. There has been no significant change to the original application (refer to Section 70A of the Town and Country Planning Act). The scale, mass, height (which is still 45ft) form and design would dominate the street-scene and have an adverse effect upon the whole local environment. The proximity of the proposed building to Orchard Lane would pose a considerable threat during construction particularly as this is a 'Safer Route to School.'
- 5.2 91 letters of objection and a reproduced letter submitted by 122 individuals (effectively treated as a petition) also objection to the application have been received, both in response to the original submission and amended scheme. In summary the points raised are as follows:
- 1) The proposal will be overly dominant and will have a major impact on the surrounding area.
 - 2) The design and choice of materials is not inkeeping with the surrounding area.
 - 3) The introduction of balconies will reduce privacy for local residents.
 - 4) The proposal will cause highway safety issues, particularly due to the proximity of the primary school and recreation area opposite.
 - 5) The scheme provides insufficient car parking, both for residents and employees.
 - 6) The scheme requires the removal of many trees and the reduction of the roadside hedge. This will reduce the sense of open space.

Many of the letters highlight that there is not an objection in principle to the redevelopment of the care home site, simply to the manner in which this scheme proposes it.

- 5.3 In addition a copy of a report prepared by a local residents group and submitted to the local Member of Parliament has been forwarded to the Local Planning Authority. It is critical of the manner in which the application has been dealt with and questions the accuracy of the plans and accompanying studies. It concludes by suggesting that the application clearly meets the criteria to be 'called in' and that the resulting review would ensure a fair and appropriate decision is made.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This application was originally to be considered by the Northern Area Planning Sub Committee on 15th June 2005. However, due to a change in the Council's constitution, applications in which it is the landowner or in which it has an interest are now to be considered by the Main Planning Committee. In this instance the Council is the landowner, although it is working in partnership with Shaw Healthcare in the transfer and re-development of residential care homes across the County.

A residents group has suggested that the application should be called in by the Secretary of State. Paragraph 77.09 of the Town and Country Planning Act 1990 deals with this and advises as follows:-

By virtue of s.316 and the Town and Country Planning Regulations 1992 (S.I. 1992 No. 1492), regs 3 and 4, any application for planning permission:

- 1) to develop any land in which an interested planning authority (*i.e.* any body which exercises any of the functions of a local planning authority in relation to that land: s.316(6)) has any interest (s.316(6)); or
- 2) for development of any land by that authority; or
- 3) for development of any land by that authority jointly with any other person, falls to be determined by the interested planning authority itself, unless:
 - 1) they do not intend to develop the land themselves or jointly with another person; and
 - 2) the application would, if it were not in the above categories, fall to be determined by another body, in which case it falls to be determined by that other body.

- 6.2 As the Council is working in partnership with Shaw Healthcare and will be jointly involved in the development of the land, it is at liberty to determine this application without recourse to the Secretary of State, unless he so desires to call in the application himself. The Local Planning Authority has received no indication that this likely to occur.
- 6.3 In broad terms, this is a very well considered planning application. It provides a high level of detail and covers all of the key issues that are of relevance.

- 6.4 Nevertheless, it has generated a significant degree of public interest and a large number of letters of representation. If this application is to be considered favourably the issues raised by the objectors should be given careful thought.
- 6.5 The general form and layout was discussed at some length with officers prior to the submission of the application, and the submitted scheme generally follows those discussions. It is your officer's opinion that the creation of a frontage development is most appropriate given the constraints of the site and the desire to retain the existing building until completion of any future development. The contours of the site allow for the frontage to be of a mixed height and set back to create visual breaks and shadow lines, adding interest to the appearance of the development. It is accepted that this approach will require the removal of a number of trees and the reduction of the roadside hedgerow. The applicant's agent has given careful consideration to this and the layout seeks to minimise the level of vegetation removal.
- 6.6 The positioning and layout of the scheme is therefore accepted. The scheme indicates that substantial re-landscaping will occur and this could be addressed through a suitably worded condition.
- 6.7 In accepting the proposed layout it is also acknowledged that the existing point of vehicular access is most appropriately re-used. The Traffic Manager does not object to this and by doing so further incursions into the Orchard Lane road frontage are avoided.
- 6.8 The applicant's agent advises that the car parking provision is based on data from fully operational extra care developments. They advise that this indicates a very low level of car ownership amongst residents, often due to mental or physical frailties, which prohibit driving.
- 6.9 As previously stated, the Traffic Manager does not object to the application either on highway safety grounds or in respect of the level of car parking provision. The site is in close proximity to services and facilities in Ledbury and in this respect is considered to be a sustainable location. Such an approach is reflective of advice given by PPG13 – Transport which adopts a flexibility towards car parking standards in town centre locations. This aspect of the proposal is also considered to be acceptable, subject to the preparation of a Green Transport Plan.
- 6.10 It therefore falls to consider the design, scale and appearance of the proposed scheme. The comments of the Conservation Officer are most pertinent here. The employment of a variety of methods, breaking the height, varying material choice and introducing shadow lines, all go some way to reducing the overall bulk and dominance of the building along the road frontage. The application has been amended since its original submission. The height of the 5 storey element has been reduced to 3½ storeys and further breaks have been introduced into the roof. These amendments are considered to address the concerns of height and dominance and the application is therefore considered to be acceptable in this respect.
- 6.11 Further concerns have been raised regarding the introduction of balconies into the front elevation and the potential overlooking that this might cause. The building is orientated in a manner that looks out across the recreation area opposite and not directly onto other properties. It is therefore considered to be unreasonable to suggest that the application should be refused on the grounds of loss of residential amenity.

6.12 In conclusion, the dominance of the building in the streetscape has to be considered against the recognised need for this type of accommodation in Ledbury. On balance, it is your officer's opinion that the amended scheme satisfactorily addresses the concerns raised by the objectors. Accordingly the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - B01 (Samples of external materials)

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

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6 – F48 (Details of slab levels)

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

7 - G01 (Details of boundary treatment)

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

8 - G04 (Landscaping scheme (general))

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

9 - G05 (Implementation of landscaping scheme (general))

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

10 - H29 (Secure cycle parking provision)

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.

11 - H27 (Parking for site operatives)

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

12 - Prior to the commencement of the development hereby approved, a 'Green Travel Plan' shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: To promote sustainable forms of transport.

13 - Before the development hereby approved is first brought into use an ambulance parking bay shall be properly demarcated within the application site, in accordance with details to be submitted to and approved in writing by the local planning authority. The bay shall remain available for ambulance parking at all times.

Reason: To ensure adequate parking provision is made for emergency vehicles.

Informative:

1. N15 – (Reasons for planning permission)

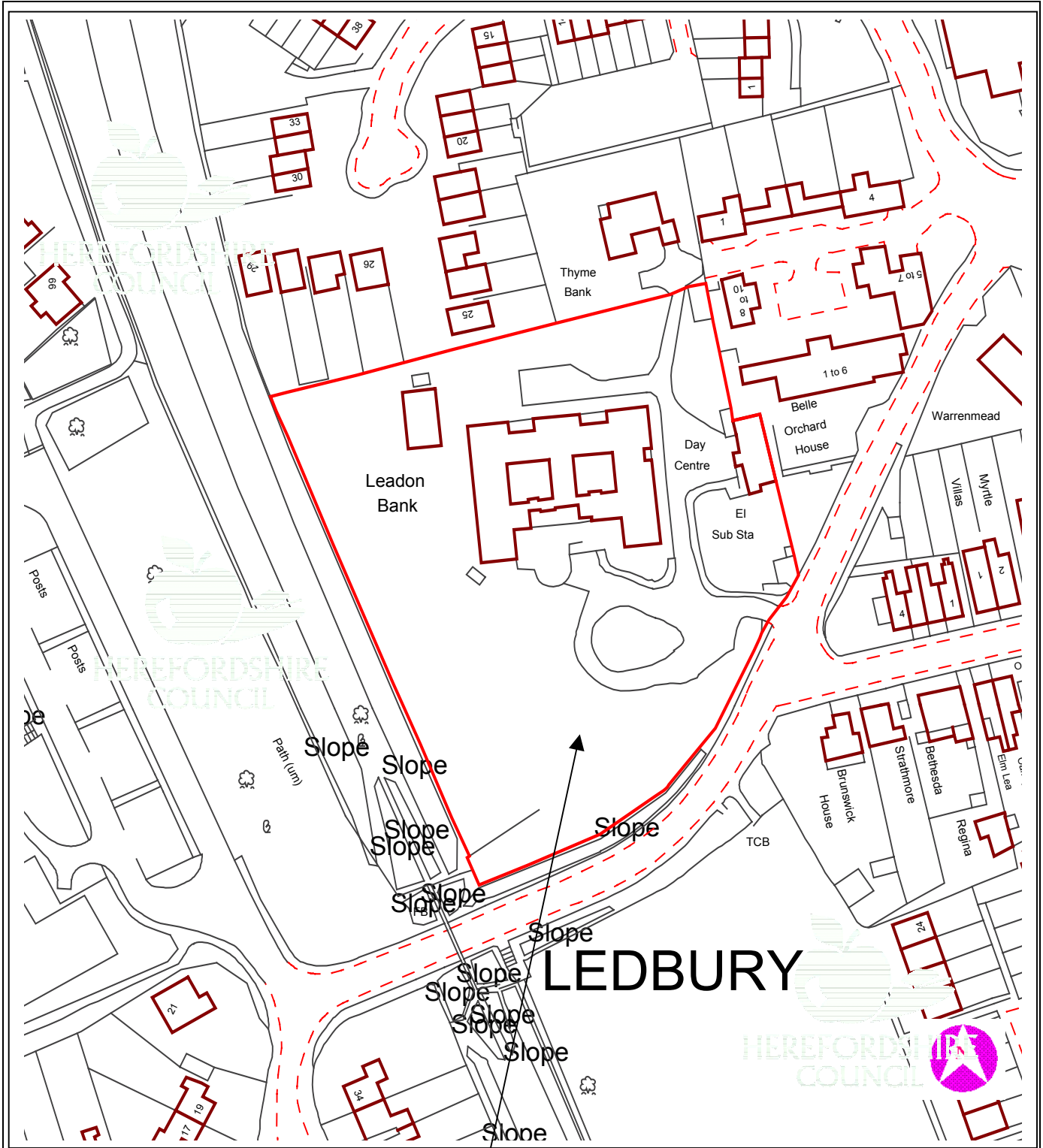
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/0709/F

SCALE : 1 : 1250

SITE ADDRESS : Leadon Bank Old Peoples Home, Orchard Lane, Ledbury, Herefordshire, HR8 1DQ

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