

13 DCCE2006/1711/F - AMENDMENT TO PERMISSION CE2005/0032/F TO AVOID SEWER. PROPOSED 3 STOREY BLOCK OF 15 APARTMENTS IN LIEU OF 17 APARTMENTS AND 3 BUNGALOWS AT THE ROSE GARDENS, INDEPENDENT LIVING SCHEME, LEDBURY ROAD, HEREFORD, HR1 2SX

For: Elgar Housing Association Ltd. per Hulme Upright Manning, Highpoint Festival Park, Hanley Stoke on Trent, ST1 5SH

Date Received: 5th June 2006

Ward: Aylestone

Grid Ref: 51940, 39942

Expiry Date: 4th September 2006

Local Members: Councillors D.B. Wilcox and A.L. Williams

1. Site Description and Proposal

- 1.1 The application site comprises a roughly triangular section of a larger development site which benefits from planning approval for an independent living scheme incorporating a total of 96 units of self-contained accommodation (DCCE2005/0032/F was approved on 2nd March, 2006). The site known as Unity Gardens was formerly occupied on a temporary basis as a community garden and has now been cleared as part of the approved development with the access road partially constructed to date.
- 1.2 The site lies within an Established Residential Area with its context 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. To the south of the site is designated Public Open Space (known as The Rose Garden) whilst the western boundary is defined by the Eign Brook which is designated as a Site of Importance for Nature Conservation. The Eign Brook results in a proportion of the whole site being located within an area at risk of flooding.
- 1.3 A scheme for the total redevelopment of the site has been fully considered and granted planning permission but this particular application seeks a variation to the design and layout of part of the development in order to compensate for a large underground combined sewer which runs through the western section of the site. The revised design essentially entails the partial removal of two wings of the approved scheme and the construction of a detached three storey block (Block 9) in the north-west corner of the site. This necessitates minor changes to the road layout and landscaping within the site and results in the overall provision of 91 self-contained units. Blocks 1-8, forming the larger part of the site remain as approved (with the exception of the truncated wings) and as such the relationship of the main building with neighbouring properties remains unchanged.
- 1.4 The proposed three storey block utilises part of the footprint of the approved detached single storey units and would incorporate the same materials and architectural elements of the main building.

- 1.5 Access and parking arrangements remain unchanged with a total of 45 parking spaces provided and as previously the application is accompanied by a Flood Risk Assessment, Ecological Appraisal and a Design Statement.

2. Policies

2.1 Government Guidance:

PPS1	-	Delivering Sustainable Development
PPG3	-	Housing
PPS9	-	Biodiversity and Ecological Conservation
PPG13	-	Transport
PPG25	-	Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan:

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

2.3 Hereford Local Plan:

Policy ENV 1	-	Land Liable to Flood
Policy ENV2	-	Flood Storage Areas
Policy ENV3	-	Access to Watercourses
Policy ENV8	-	Contaminated Land
Policy ENV14	-	Design
Policy ENV15	-	Access for All
Policy ENV16	-	Landscaping
Policy ENV18	-	External Lighting
Policy H3	-	Design of New Residential Development
Policy H5	-	Public Open Space Provision in Larger Schemes
Policy H7	-	Communal Open Space
Policy H8	-	Affordable Housing
Policy H9	-	Mobility Housing
Policy H10	-	Housing for the Elderly
Policy H12	-	Established Residential Areas - Character and Amenity
Policy H13	-	Established Residential Areas - Loss of Features
Policy H14	-	Established Residential Areas - Site Factors
Policy CON21	-	Protection of Trees
Policy NC3	-	Sites of Local Importance
Policy NC6	-	Criteria for Development Proposals
Policy T1A	-	Commercial Road/Ledbury Road Link
Policy T5	-	Car Parking - Designated Areas
Policy T6	-	Car Parking - Restrictions
Policy T11	-	Pedestrian Provision
Policy R1	-	Public Open Space
Policy R13	-	Public Rights of Way

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing

Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Flood Risk
Policy DR10	-	Contaminated Land
Policy DR14	-	Lighting
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy T6	-	Cycling
Policy T11	-	Existing Parking Areas
Policy T16	-	Access for All
Policy NC4	-	Sites of Local Importance
Policy 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 cafe and shop. Temporary permission now expired.
- 3.2 DCCE2005/0032/F Retirement village/independent living scheme with village hall and restaurant, welfare and recreational facilities, administrative and care facilities, self-contained units and car parking. Approved 2nd March 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Comments awaited.
- 4.2 Welsh Water: Comments awaited.

Internal Council Advice

- 4.3 Traffic Manger raises no objection.
- 4.4 Conservation Manager (Conservation) raises no objection to the revised design and layout.
- 4.5 Conservation Manager (Landscape): Comments awaited.
- 4.6 Conservation Manager (Ecology): Comments awaited.
- 4.7 Head of Strategic Housing: Comments awaited.

- 4.8 Parks Development Manager raises concerns with regard to the proposed remodelling of The Rose Garden (as part of the flood alleviation measures) with respect to the effect on ground levels related to the Korean War Veterans Memorial Tree.

5. Representations

- 5.1 The neighbour consultation exercise, which has included all individuals who made representations on the approved scheme, has resulted in no further comments at the time of writing. Any comments raising material planning issues will be reported verbally to Members of Planning Committee.
- 5.2 Hereford City Council raise no objection.

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 The comprehensive redevelopment of this site has been approved and on the basis that this proposal relates only to an amended scheme involving a lesser number of units, issues such as the principle of the development, the provision of affordable housing/the nature of occupation, implications for public and private open space, highway safety, access and associated highway improvements are not material to the consideration of this particular application but would of course be secured through conditions attached to the original approval.
- 6.2 The main considerations on the determination of this revised application are as follows:
- (a) Design, Scale and Character
 - (b) Impact on Residential Amenity
 - (c) Flood Risk
 - (d) Nature Conservation

Design, Scale and Character

- 6.3 In relation to the proposed detached three storey block, it is considered that its appearance will respect the approved design of the main building. In visual terms, the detached block would not have a significant visual impact since it will only be visible in views from the allotment gardens and at longer distance from the County Hospital and Commercial Road. From these vantage points the three storey scale will represent a natural progression of the approved three storey rear elevation of the main building. The materials and design approach are identical and it is considered that the detached building will sit comfortably in this largely secluded part of the larger site.

Impact on Residential Amenity

- 6.4 The revised Block 9 would be located in the north-west corner of the site, a significant distance from the established residential properties forming Highgrove Bank and Bladon Crescent. Furthermore, the site is well screened by mature planting along the western boundary, which provides a break between the ongoing development of the Mill Court site beyond the Eign Brook.

- 6.5 The concerns of local residents with regard to privacy and overshadowing were acknowledged when the previous scheme was approved but in relation to the effects of this application, it is not considered that it would adversely effect the amenities of any local residents beyond the impact associated with the main building.

Flood Risk

- 6.6 The proposed siting of Block 9 is within the area at risk of flooding and it is proposed to set the slab level of the building at the same height as the approved main building (FFL 100.769). This is in accordance with the applicant's Flood Risk Assessment and slab level details, which have already been approved through the discharge of Condition 16 of Planning Permission DCCE2006/0032/F on 21st March 2006.
- 6.7 The formal comments of the Environment Agency are awaited at the time of writing.

Nature Conservation

- 6.8 The site has been the subject of a detailed Ecological Survey, which has identified the presence of great crested newts and slow worms. The proposed mitigation measures are currently being assessed and a further update on the proposals will be made verbally.

Conclusion

- 6.9 This amended proposal, in its own right, does not raise significant additional issues that have not already been thoroughly assessed and it is clear that the redesign is a function of the need to accommodate a large combined sewer. The resulting development would have no additional environmental impact and will not compromise the comprehensive redevelopment of the site as previously approved.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of delegation to Officers be authorised to approved the application subject to the following conditions and any further conditions considered necessary by Officers:

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. **The permission hereby granted is an amendment to planning permission DCCE2005/0032/F dated 2nd March 2006 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

Reason: For the avoidance of doubt.

Informative:

1. **N15 - Reason(s) for the Grant of Planning Permission.**

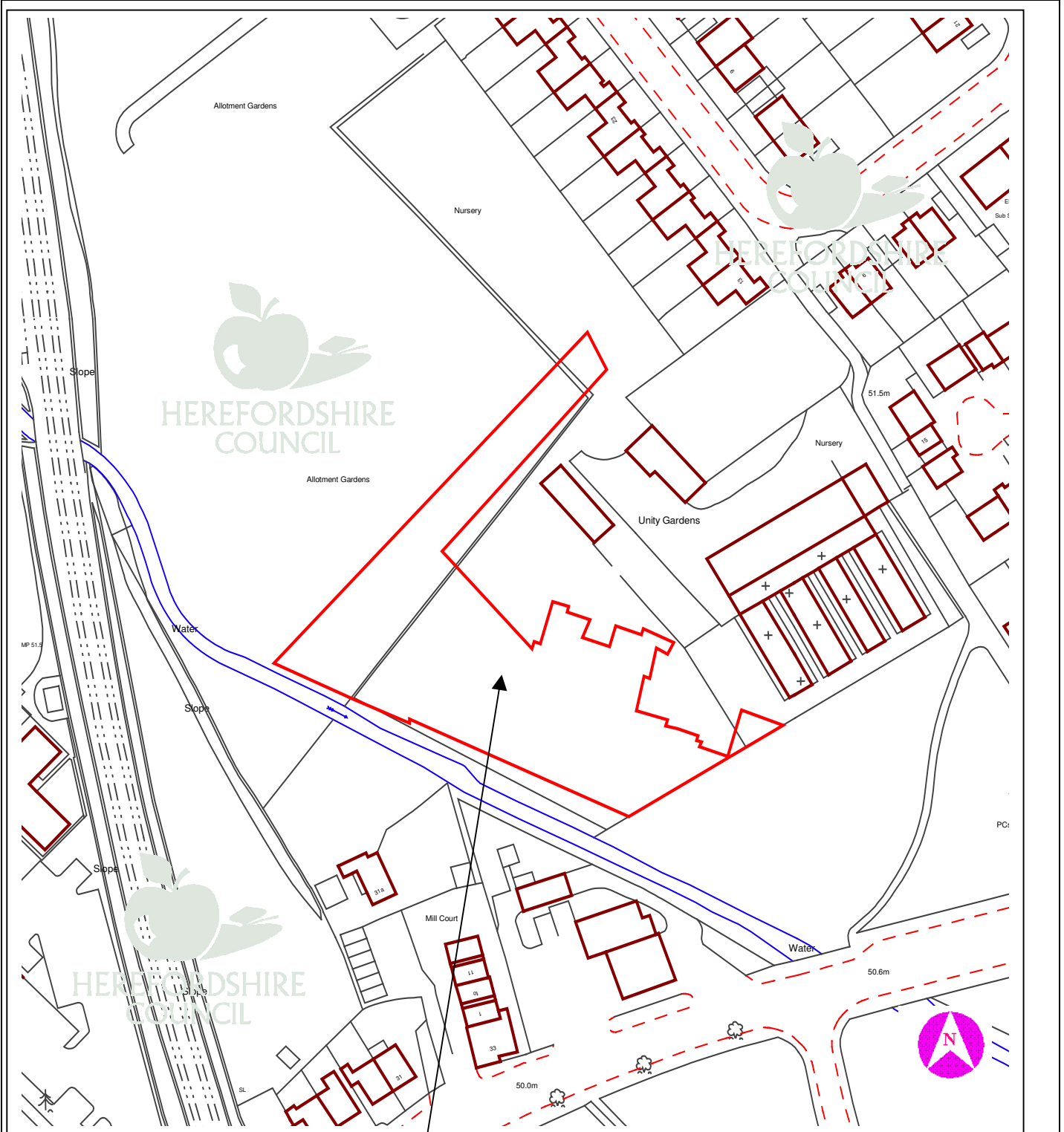
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/1711/F

SCALE : 1 : 1250

SITE ADDRESS : The Rose Gardens, Independent Living Scheme, Ledbury Road, Hereford, HR1 2SX

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