

DC/2015/01174

CONSTRUCTION OF 12 RETIREMENT APARTMENTS (C3 USE), 5 SUPPORTED LIVING APARTMENTS (C2 USE) AND ASSOCIATED WORKS.

LAND TO THE EAST OF OLD HEREFORD ROAD, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Date Registered: 08/10/2015

1.0 APPLICATION DETAILS

- 1.1 This application has been submitted on behalf of Monmouthshire Housing Association (MHA) for the redevelopment of disused garden land located between the rear of existing dwellings on Old Barn Way and Old Hereford Road. It is proposed to construct 12 retirement apartments and 5 supported living apartments. All accommodation would be maintained and run by MHA as affordable housing.
- 1.2 Block one is proposed on the southern part of the site and would be a three storey apartment block designed to house 12 retirement apartments comprising three one-bedroom units and nine two-bedroom units. All feature a kitchen, bathroom and lounge/dining space. Block two proposed to the north would be a two storey apartment block designed to house 5 supported living apartments made up of 5 one-bedroom units, all including a kitchen, bathroom and lounge/dining area. It is also proposed to provide a communal area on the ground floor together with a spare single bedroom for carers and disabled shower room/WC. The supported living accommodation is to house people with learning disabilities who require a degree of support to live independently.
- 1.3 Access to the proposed development would be from Old Hereford Road via a new junction arrangement. The access point would be central along the boundary of the site focussing all vehicular movement within one location onto the existing highway. The access will extend eastwards serving both blocks. A traffic calming area is located close to the site entrance which is intended to demarcate the site and slow traffic speeds. Pedestrian access would be provided either side of the proposed access and would connect the proposed new dwelling units with the existing footpath along Old Hereford Road. Seventeen car parking spaces are proposed together with a turning area within the site.
- 1.4 The site is within the development boundary of Abergavenny and is not constrained by any flooding, ecological or conservation designations.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing Provision
S4 – Affordable Housing
S5 – Community and Recreational Facilities

S12 – Efficient resource Use and Flood Risk
S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design

Development Management Policies

H1 – Residential Development within Main Towns
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
NE1 – Nature Conservation and Development
GI1 – Green Infrastructure Provision
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 Abergavenny Town Council – recommends approval.
Recommend installing solar panels at development stage.

4.1.2 MCC Highways – No objections.

The application was the subject of pre application meetings where the highway concerns were tabled and proposals amended in accordance with the recommendations.

The parking is compliant with the required standards for the type of dwellings proposed and should be conditioned as such should conversion to a different standard of occupation be considered in the future. The visibility and access have been proposed and amended to satisfy highway requirements. We would not be considering this site for future adoption and it is proposed to be retained as a private development.

4.1.3 MCC Biodiversity Officer – No objection subject to conditions (see end of report).

An ecological assessment has been undertaken at the site which is considered to be of a sufficient standard: Pure Ecology, Old Hereford Road, Abergavenny, Monmouthshire, Ecological Appraisal and Code for Sustainable Homes Report dated September 2015.

Habitats

The development will result in loss of habitats considered to be of 'site value' including poor semi-improved grassland, scrub, trees and tall ruderal habitats.

Reptiles

A reptile survey of sufficient standard has been undertaken at the site and mitigation established alongside the Park Crescent development. Measures to clear the site shall be secured via a pre-condition for a Reptile Translocation and Management Plan to build upon the outline provided in the submitted ecological appraisal.

Nesting Birds

Habitats on site could be used by nesting birds from the period between March and September. A standard planning condition is recommended to ensure that these habitats are checked before clearance to ensure none are destroyed. As these habitats will be lost in the course of the development, provision for nesting birds are recommended by the submitted report which would be in accordance with LDP policy NE1 and MCC's duty under the Natural Environment and Rural Communities Act

2006 to have regard for Biodiversity. A planning condition is recommended to support this.

Bats

New benefits for bats have been recommended in the CSH element of the ecology assessment. Enhancements for nesting birds are recommended by the submitted report which would be in accordance with LDP policy NE1 and MCC's duty under the Natural Environment and Rural Communities Act 2006 to have regard for Biodiversity. A planning condition is recommended to support this.

There are opportunities to provide habitats that will be beneficial to biodiversity and the residents of the new housing at the site in accordance with the submitted Code for Sustainable Homes.

4.1.4 SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

4.2 Neighbour Notification

Three representations received (one on behalf of five separate properties). Object on the following grounds;

- Adverse effect on the residential amenity of existing houses on Old Barn Way by overlooking and the proximity of the proposed buildings.
- Three of the allotments were used until notice was served and so the applicant's statement that there is no demand for the allotments is not accurate. Others were owned by the Local Authority and were not maintained.
- Inappropriate location for accommodation for elderly and disabled people – road is busy with traffic and steep for pedestrians.
- Mobility scooters could cause a danger mixing with school children using the pavement.
- Reinstatement of the footpath to the rear of the dwellings on Old Barn Way will reduce their security.
- Insufficient parking provision.
- Vulnerability of existing pensioners living so close to supported accommodation.
- Heart breaking to see the allotments go to waste.

Other issues raised;

- Lack of openness, honesty and transparency from the applicant.

4.3 Other Representations

None.

4.4 Local Member Representations

No comments received.

5.0 **EVALUATION**

5.1 Principle of Development

5.1.1 The site is within the development boundary of Abergavenny within which new residential accommodation is acceptable in principle and there is a proven local need for the type of accommodation proposed.

5.1.2 Local residents have raised the issue of the application site being allotments. To be considered a 'statutory allotment', the land must have been acquired by the Council for allotment purposes under the power provided under The Allotment Act 1908. In fact the land forms part of a much larger area which was acquired by the Borough of Abergavenny in 1946 and subsequently developed as a housing estate. The land was not therefore acquired for statutory allotments but for housing purposes. The land was later let out under licence to individual property owners in the adjoining houses to extend their garden (amenity) areas. As such, Policies S5 (Community and Recreation Facilities) and CRF3 (Safeguarding Existing Recreational Facilities and Public Open Space) are not relevant in this case.

5.2. Visual Amenity and Landscaping/Green Infrastructure

5.2.1 Residential vernacular within the vicinity of the site features two contrasting styles. To the south of the site are a series of mid/late 20th century flats sat alongside similar era bungalows. The flats are predominantly buff brick and are three storey with flat roofs. The bungalows have low pitched roofs and are finished in buff or red brick. To the east of the site on Old Barn Way most properties are early/mid 20th century semi-detached two storey houses. These are largely finished in a pallet of render (various colours and textures) and/or brick (mainly red). Roofs are predominantly mansard or hipped with terracotta or grey coloured roof tiles.

5.2.2 On the development site, block one is proposed to be three storey with a pitched roof and will follow the building line set by the existing three storey block of flats to the south. Block two would be two storey and seeks to be visually responsive to the dwellings on Old Barn Way to the east of the site. Both buildings would be finished predominantly with render plus red brick features and concrete roof tiles.

5.2.3 The site slopes upwards from west to east and south to north resulting in the ground floor of block two being approximately 3m lower than the ground level of the properties on Old Barn Way. In turn the ground level of block one would be approximately 1.82m lower than that of block two (although its main roof ridge line would be 1.8m higher than block two's). This will help the new buildings assimilate into the existing street scene.

5.2.4 The site is screened from the road by an existing hedgerow which has been assessed as having low value and it is therefore proposed to replace this with a new native species hedgerow. Owing to the need for the applicant to receive planning consent prior to receiving funding it is advised that if Members are minded to approve the proposal, the full details of landscaping can be secured via condition.

5.2.5 The site as existing is privately owned open space and due to the relatively small scale of the site there are few opportunities for improving green infrastructure in the area. However, a landscaping scheme should ensure that the existing wildlife connectivity provided by the site boundaries are retained or replaced. The reinstatement of the footpath to serve the rear of the dwellings is welcomed in terms of improving pedestrian links.

5.2.6 Subject to satisfactory landscaping, especially along the boundary with Old Hereford Road, it is considered that the proposed new apartments will be acceptable in terms of design and scale and will not harm the visual amenity of the area.

5.3 Residential Amenity

- 5.3.1 The two proposed blocks have been designed so that there are no habitable room windows in the east elevations within 21 metres of the boundary that would directly overlook the existing dwellings and gardens on Old Barn Way. Although the elevations still include windows to provide light and architectural interest, these mainly serve landing areas, kitchens and other non-habitable rooms.
- 5.3.2 Given the difference in ground levels referred to in paragraph 5.2.3 above and the siting of the majority of the buildings on the western part of the site, it is not considered that the proposed new blocks will be overly dominant in terms of appearing overbearing when viewed from the existing properties on Old Barn Way. It is not considered that the proposed development will result in a serious loss of residential amenity to neighbouring occupiers.
- 5.3.3 There are no overlooking issues anticipated between the proposed new development and the existing flats to the south of the site as these have a blank northern elevation.

5.4 Access and Parking

- 5.4.1 The proposed access has adequate visibility to ensure highway safety. Parking has been provided at a ratio of one space per dwelling which is meets adopted parking standards. A condition is proposed to ensure that the tenure of the five assisted care units remain as proposed to ensure that the units are not put to another type of use that would be likely to generate more demand for parking.
- 5.4.2 The turning area is to be laid with a permeable surface in line with sustainable development guidelines.

5.5 Biodiversity Considerations

- 5.5.1 The development will inevitably result in loss of habitats considered to be of 'site value' including poor semi-improved grassland, scrub, trees and tall ruderal habitats.
- 5.5.2 A reptile survey of sufficient standard has been undertaken at the site and mitigation for slow worms established alongside another MHA development at Park Crescent development which was recently approved under consent ref DC/2014/01237. Measures to clear the site of slow worms would be secured via a pre-commencement planning condition for a Reptile Translocation and Management Plan to build upon the outline provided in the submitted ecological appraisal. It is proposed to move the slow worm population on the application site to Swan Meadow. A financial contribution towards managing the Swan Meadow site in the longer term has already been secured via the previously approved Park Crescent application.
- 5.5.3 Other habitats on site could be used by nesting birds from the period between March and September. A standard planning condition is recommended to ensure that these habitats are checked before clearance to ensure none are destroyed and provision for nesting birds recommended by the submitted ecological report which should be a condition of any consent that the council are minded to approve. A planning condition is also recommended to support new benefits for bats outlined in the Code for Sustainable Homes Assessment submitted in support of the application.

5.5.3 In light of the above, it is considered that subject to conditions suggested, the proposed development is in accordance with LDP policy NE1 and MCC's duty under the Natural Environment and Rural Communities Act 2006 to have regard for Biodiversity will be met.

5.6 Other Issues Raised

A resident has raised concerns about the security of the residents of Old Barn Way. The footpath that is to be reinstated is accessible as existing although not maintained and it will not be accessible from within the application site when reinstated. As such it is not considered that there will be any increase in use of the footpath by non-residents of Old Barn Way as a result of the development. In terms of the use of Block 2 as supported living accommodation and the security of elderly residents, it should be noted that the future tenants have learning disabilities and are not necessarily a danger to the public and Government policy encourages care in the community of this nature where risks to public safety are low.

6.0 RECOMMENDATION: APPROVE

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	The accommodation labelled as Block 1 on the plans hereby approved shall be occupied by persons aged 55 and over only.
4	Notwithstanding the provisions of the Town and Country Planning (use classes) Order 1987, the accommodation labelled Block 2 on the plans hereby approved shall be used for purposes under Use Class C2 only.
5	No development shall take place until there has been submitted to and approved in writing 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 the development.
6	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season 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.
7	No development or site/vegetation clearance shall take place until a reptile translocation and management plan has been prepared by a competent ecologist (including a methodology for the capture and translocation of reptiles with details of the receptor site survey, preparation, management and monitoring) to build upon the principles of Pure Ecology, Old Hereford Road, Abergavenny, Monmouthshire, Ecological Appraisal and Code for Sustainable Homes Report dated September 2015. The Reptile Translocation and Management Plan shall submitted for the approval of the Local Planning Authority. The approved measures shall be implemented in full.

8	No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
9	Prior to the commencement of works a scheme detailing the provision of integrated bat roosting and bird nesting provision within the scheme as outlined in the submitted Pure Ecology, Old Hereford Road, Abergavenny, Monmouthshire, Ecological Appraisal and Code for Sustainable Homes Report dated September 2015 shall be submitted to the LPA for written approval. The agreed scheme shall be implemented in full.

Informatives:

Reptiles – Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow-worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted