

16 DCSE2008/0553/F - VARIATION OF CONDITION 8 IN RELATION TO BOUNDARY WALL TO REPLACE WITH WOODEN FENCING, (APPLICATION NUMBER DCSE2007/2920/F), THE OLD CANOE SHOP, MILL POND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AP.

For: MF Freeman, Yarnister Road, Near Drybrook, Gloucester, GL17 9BH.

Date Received: 28 February 2008

Ward: Ross-on-Wye East

Grid Ref: 60168, 24306

Expiry Date: 24 April 2008

Local Member: Councillors PGH Cutter and AE Gray

1. Site Description and Proposal

- 1.1 Planning permission for the erection of 4 residential units on this site was granted in July 2007 and for a revised scheme (SE2007/2920/F) with an additional unit in January 2008. The latter was subject to a condition (no. 8) requiring remedial measures in order to protect the security and privacy of neighbours. An important aspect of these measures was to be construction of a brick wall along the developers side of the boundary with Wallace Court.
- 1.2 The current application is for variation of this condition to allow erection of a fence rather than the wall. A sewer cuts across the land on which the wall would be built and the applicant claims that this would preclude construction of a brick wall. The proposed fence would be the same height (about 4m) as the existing wall to the north. It would be boarded both sides, with the top section trelliswork and would be in addition to the existing boundary fence.

2. Policies

2.1 Herefordshire Unitary Development Plan

- Policy H13 - Sustainable Residential Design
Policy HBA6 - New Development within Conservation Areas

3. Planning History

- 3.1 DCSE2005/1084/F Erection of three storey sheltered accommodation - Approved 27.06.05
- DCSE2006/2484/F Demolition and construction of 5 flats - Withdrawn 21.09.06
- DCSE2006/2485/C Demolition and construction of 5 flats - Withdrawn 21.09.06

DCSE2007/0645/F	Demolition and construction of 4 flats	-	Approved 20.07.07
DCSE2007/0643/C	Demolition and construction of 4 flats	-	Consent 20.07.07
DCSE2007/2920/F	Additional unit to approved scheme (DCSE2007/0645/F)	-	Approved 14.01.08

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water points out that a public sewer crosses the site and requests that the following be included in any planning consent:

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of permission.
- 4.3 Conservation Manager has no objection to planning permission being granted.

5. Representations

- 5.1 The applicant has submitted a Design and Access Statement:

- (1) It is required to amend Condition 8 of the approval (DCSE2007/2920/F) which required a masonry wall to be constructed some 4 m high to the rear of the development onto the McCarthy and Stone development.
- (2) It was noted that a large Victorian brick arched sewer 600 mm diameter clips the boundary of the site onto which the proposed wall is required.
- (3) Item 5 of the Informatives, details that there is an existing sewer which has an easement of 3 m and as such forbids the construction of a wall within this zone, as this would put an extreme loading onto the sewer causing it to collapse and fail.
- (4) Therefore we are submitting an application to vary the planning condition and enclose a detail for a close-boarded fence, boarded both sides so as to make it un-climbable. The fence will be constructed using pressure impregnated preserved timbers so as to give a 90 year life minimum.
- (5) In addition the applicant points out that the immediate neighbours have been consulted in order to meet their requirements.

- 5.2 Town Council has no objections to the proposal.

5.3 One letter has been received signed by 9 residents of Wallace Court. They consider the original condition which included the brick wall should be complied with for these reasons:

- (1) the brick wall was part of the agreement between residents and the developer, on the basis of which objections to the planning application (SE2007/2920/F) were withdrawn.
- (2) the developer's representative met residents on 5 March 2008 to explain that a sewer had just been encountered and a new plan proposed which would include:
 - the close-boarded fence, boarded both sides so as to make it unclimbable - constructed using pressure impregnated preserved timbers, and capped so as to give a 90-year life minimum
 - the gate will be replaced to go to the ground and made from sturdier material
 - a strong trellis will be attached to the high wall, go across the top of the gate and along the capped fence
 - evergreen climbers will be planted in the new development to cover the trellis
 - 2 bird boxes will be included in the trellis work.
- (3) All this fencing is apparently on the developers land, who will be responsible for the maintenance of the fence, trellis and climbers and there will be no cost to the residents at Wallace Court at any time. All other conditions remain unaltered.
- (4) Since this discussion the residents at Wallace Court have heard that the sewer can be bridged. Being cynical this current application achieves the number of units regardless of the conditions agreed, at much cheaper cost and reduces any financial penalty for delaying the completion of the sale of the flats through building the wall.
- (5) If the application is allowed all the above details should be included and enforced and the developer should contribute towards a pedestrian crossing to benefit those in sheltered accommodation in the area to reach Morrisons.

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

6. Officer's Appraisal

- 6.1 The proposed fence would not be visible from public viewpoints and be mostly hidden from the view of Wallace Court residents by the existing fence. The proposed planting would soften its appearance viewed from the new residential units and could also help the Wallace Court side if appropriate plants are chosen. The visual impact of the change from a brick wall to a fence would not therefore have a significant adverse impact on the visual amenities of the area or the character and appearance of the Ross on Wye Conservation Area.
- 6.2 The main issue therefore is whether the security and privacy of Wallace Court residents would be prejudiced by the proposed change. The height of the fence would

be about 4m and therefore not readily climbable although the top 0.8m of trellis would make this less difficult. However this could be compensated by planting appropriate shrubs. Access to the garden area of the new units would only be achieved via a secured gate. The trellis would not provide such a complete screen as a brick wall but once the plants have grown there would be little difference in the views of Wallace Court flats and garden from the new units. With the proposed wood treatment the fence would have a long life. Consequently I consider this proposal would not adversely affect to any significant extent the security and amenity of Wallace Court residents. This would be the case irrespective of the advice of Welsh Water. The response reported above seems not to be an objection to the proposed fence but to preclude building works such as a wall. This is being clarified.

- 6.3 The request that a contribution be required towards a pedestrian crossing is appreciated. However this would not relate directly, fairly or reasonably to the development proposed and would not therefore comply with the criteria in Policy DR5, or the SPD, for a justifiable benefit.

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 D02 (Approval of details)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan and to preserve the character and appearance of the Ross-on-Wye Conservation Area in accordance with Policy HBA6.

3 G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

4 I32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

5 H10 (Parking - single house)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

6 H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

- 7** No development shall take place until details of the gate giving access to the emergency pedestrian route which shall include security measures have been submitted to and approved in writing by the local planning authority. The gate shall be kept shut except in the event of a flood or other emergency.

Reason: In the interests of neighbours' security.

- 8** The development shall be carried out in accordance with the remedial measures set out in the e-mail communication of 23 November 2007 from Jason Pritchard of Edge Design Workshop Ltd, with the exception of the erection of the brick wall.

Reason: To ensure the security and privacy of neighbours in accordance with Policy H13 of Herefordshire Unitary Development Plan.

- 9** The fence hereby approved shall be erected before the occupation of any of the residential units and thereafter retained.

Reason: To ensure the security and privacy of neighbours in accordance with Policy H13 of Herefordshire Unitary Development Plan.

- 10** F17 (Obscure glazing to windows)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 11** F15 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 12** G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 13** G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 14** Prior to the commencement of any development, details of the proposed flood defence wall, as indicated on plan WEROWY 207 entitled 'outline flood defence proposals', dated March 06, shall be submitted to and agreed in writing by the LPA, in consultation with the Environment Agency. Thereafter the wall shall be implemented and maintained, in accordance with the approved details.

Reason: To protect the development from flood risk and ensure the flood defence wall is designed and built to an appropriate standard and to conform to Policy DR7.

- 15** Flood proofing techniques shall be incorporated into the design of the building, to protect the development up to the 1% plus climate change flood level.

Reason: To protect the development from flood risk and to conform to Policy DR7.

- 16** If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement. The Method Statement must detail how this unsuspected contamination shall be dealt with. Thereafter development of the site shall be carried out in accordance with the approved Method Statement.

Reason: To prevent pollution of controlled waters and to conform to Policy DR10.

- 17** L04 (Comprehensive & Integrated draining of site)

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

- 1** N19 - Avoidance of doubt - Approved Plans
- 2** N15 - Reason(s) for the Grant of Planning Permission

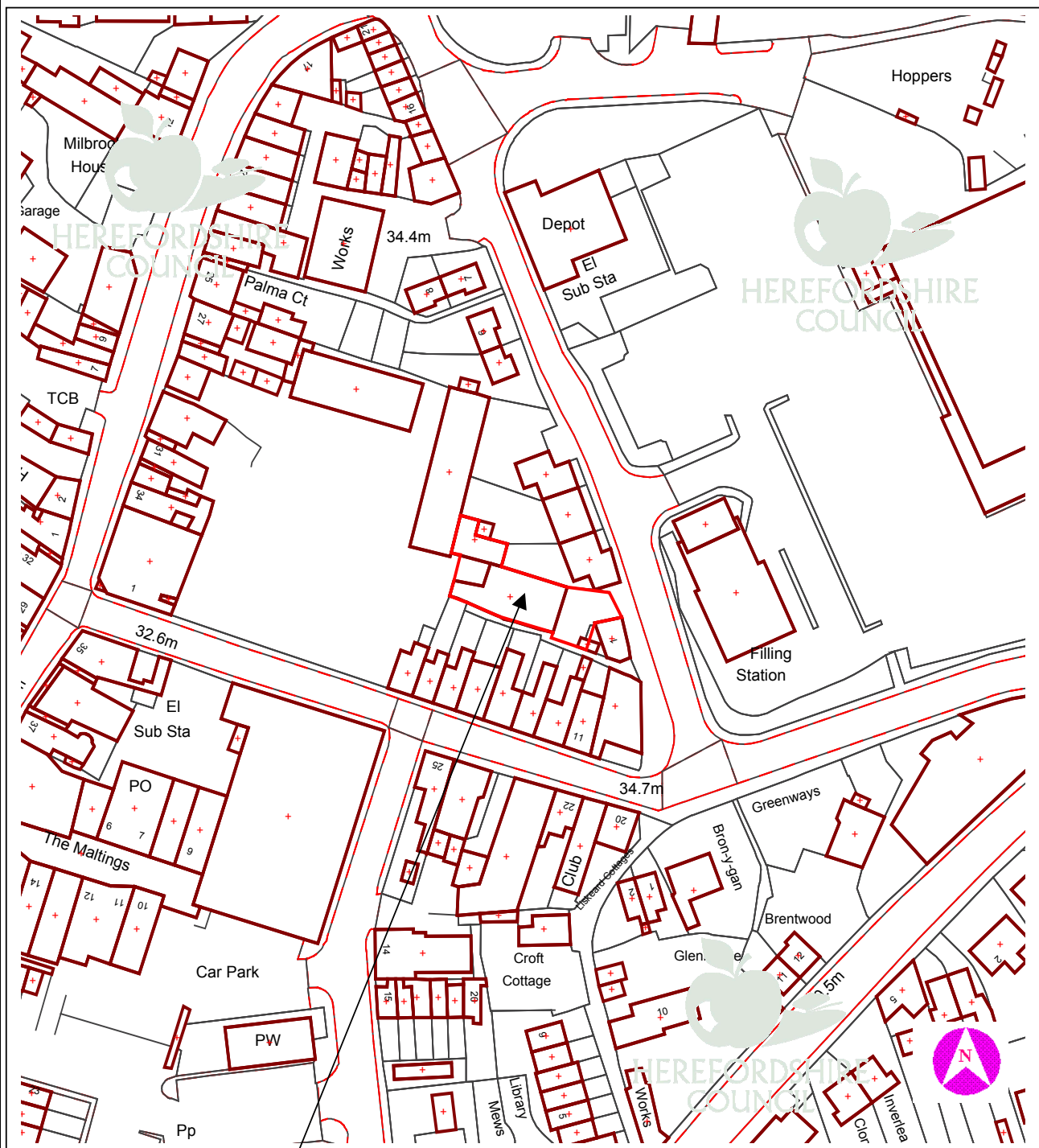
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0553/F

SCALE : 1 : 1250

SITE ADDRESS : The Old Canoe Shop, Mill Pond Street, Ross-on-Wye, Herefordshire, HR9 7AP

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