

6A DCSE2007/3618/C - ALTERATIONS AND REFURBISHMENT OF 27 BROOKEND STREET AND DEMOLITION OF THE SEPARATE DETACHED REAR COMMERCIAL PREMISES.

6B DCSE2007/3619/F - ALTERATIONS AND EXTENSIONS TO 27 BROOKEND STREET INCLUDING NEW SHOP FRONT AND EXTENSION TO RETAIL UNIT AND 4 NO. EXISTING FLATS. DEMOLITION OF THE DETACHED COMMERCIAL BUILDING TO THE REAR AND ERECTION OF 9 NO. NEW BUILD RESIDENTIAL DWELLING APARTMENTS.

PALMA COURT, 27 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE.

For: Nos No 2 Limited per Hook Mason Ltd, 11 Castle Street, Hereford HR1 2NL

Date Received: 22 November 2007 Ward: Ross-on-Wye East Grid Ref: 60120, 24352

Expiry Date: 17 January 2008

Local Members: Councillor PGH Cutter and Councillor AE Gray

Introduction:

These applications were deferred at the Southern Area Planning Sub-Committee on 2 April 2008 for negotiation on contributions to off-site highway works; the provision of a pedestrian crossing in Station Street. The Traffic Manager is able to confirm the need for the crossing evolved from meetings with local Members of the Council.

The applicant has agreed a contribution to the construction of the crossing and the Draft Heads of Terms are attached at the end of this report.

1. Site Description and Proposal

1.1 Palma Court is an unlisted 3-storey C19 commercial building with a vacant café on the ground floor and 4 apartments over is on the east side of Brookend Street, between Auntie Wainwrights and Dragon House Chinese Take-Away. At the rear is a C20 portal framed building of a warehouse style that is occupied by "Fun 2 Sea Island Nursery" which is accessed through an archway that also accesses 3 vacant shop units. There is a 1.8 metre high wooden boarded fence along the boundary with Wallace Court, which adjoins the site on its south side. In the south-east corner of the site is a dry access route from Wallace Court. Gardner Butcher is opposite.

1.2 The site is located in the Ross-on-Wye conservation area, the Wye Valley Area of Outstanding Natural Beauty and the central shopping commercial area as shown in the

Herefordshire Unitary Development Plan 2007. The frontage is defined as secondary shopping frontage.

- 1.3 This application proposes the demolition of the nursery and the shop units and replacement by a terrace of 9 dwellings. The café "shopfront" is to be replaced by a Victorian style shopfront. The café and apartments over are also to be extended to provide kitchen, WC and stairway to the apartments over which are to be extended to accommodate a bedroom to each. This is a car free development with storage for 13 bicycles. Foul drainage is to be disposed to the main sewer, and surface water is part-drained to a soakaway (permeable ground surfaces) and part to a rainwater harvester to facilitate grey water usage within the dwellings.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS6	-	Planning for Town Centres
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy T6	-	Walking
Policy T7	-	Cycling
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR4	-	Secondary Shopping Frontage
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy ARCH2	-	Foundation Design and Mitigation for Urban Sites
Policy ARCH6	-	Recording of Archaeological Remains
Policy CF2	-	Foul Drainage

3. Planning History

- 3.1 DCSE2007/0132/F Alterations and extensions to 27 Brookend Street including new shopfront and extension to retail unit and 4 existing flats. Demolition of detached commercial premises to rear and erection of 14 residential dwellings. - Withdrawn. 09.03.07
- DCSE2007/0133/C Demolition of detached commercial building. - Withdrawn. 09.03.07

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager has no in principle objection subject to a financial contribution to the promotion of sustainable development. Following the deferral of this item he has agreed that the £6000 contribution towards the pedestrian crossing would be reasonable and appropriate.
- 4.3 Conservation Manager has no objection.
- 4.4 Archaeological Advisor has no objection subject to conditions.

5. Representations

- 5.1 A Design and Access Statement has been submitted with the application
- The proposals comprise alterations, extensions and refurbishment of the original building fronting onto Brookend Street, demolition of redundant commercial premises to the rear and erection of new residential dwellings.
 - The frontage building at 27 Brookend Street will comprise an A3 retail unit at ground floor extended at the rear to provide a vertical circulation core and staff facilities.
 - The proposed residential block will comprise 9 mews type town houses within a single 2-storey block.
 - The proposed rear extension to the frontage building is designed to relate closely to the refurbished Brookend Street façade and reflects earlier Victorian alterations carried out.
 - The rear residential building replaces a redundant commercial building which resembles an industrial unit.
 - The layout and massing of the proposed building reflects the building to be removed and is positioned to maximise the remaining site area which has south westerly orientation and which will form a communal, predominantly hard landscaped amenity area.
 - The ground floor level of the new residential block is raised in order to prevent potential future flooding and to facilitate rainwater harvesting tanks to be sited below the building for grey water re-use within the dwellings created.
 - The scale of the new buildings reflect that of the existing retained frontage building and the commercial building to be removed.
 - The site is located within a busy town centre area and its width reflects the original burgage plots dating from the medieval period.

- The landscape proposals incorporate predominantly hard landscaped pedestrian amenity areas softened by planting strips.
 - Vehicular and transport links will be unaffected by the application.
 - Due to the existing site restrictions access into the site will be pedestrian (or cycle only).
 - The site is level, however in order to ensure potential flooding will not impact on the new dwellings, the ground floor is raised by approximately 800mm above existing ground level.
 - Level access to individual dwellings is provided by ramped access in accordance with Building Regulation requirements.
- 5.2 Ross Town Council: Concern was expressed that the development is marketed as family homes and therefore it was unrealistic not to consider provision for parking when there was limited availability of local transport in Ross-on-Wye. Affordable housing should be inclusive in a development of this size and Members of the Town Council would like to be consulted on any benefits available under Section 106.
- 5.3 A petition with 12 signatures from the residents of Wallace Court, Station Street, Ross-on-Wye objecting to this application has been received:
- Overdevelopment of the site, including height with many windows being placed in the elevation facing Wallace Court.
 - There are no windows in the present "green building" overlooking Wallace Court and the proposed building would be a gross invasion of privacy into the flats and grounds. This would be exacerbated if the building extends beyond the current building.
 - Access and egress for the builders from the already busy Brookend Street - is this possible with the Listed building restrictions to the retail end of the site?
 - Security for the residents of Wallace Court with the number of people possibly using the dry access gate into Wallace Court grounds when there is no flooding in the area.
 - Access and egress for emergency vehicles.
 - Attempted parking in the private grounds of Wallace Court during the building and then by the residents of the flats/mews houses.

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 site is located in the Ross-on-Wye Conservation Area where special attention must be given to the desirability of preserving or enhancing the character and appearance of the area. The character of this part of the conservation area derives from a variety of architectural styles including height and scale of buildings, use of materials and detailing. The application proposes a replacement shopfront that will be of a Victorian style, a type that is considered acceptable in this locality. The bulk of this proposal is at the rear of site, the replacement of the warehouse type building and the 3 vacant shop units. These buildings are of no architectural/historic character or value to the conservation area. Accordingly, there is no objection to their demolition.
- 6.2 The application proposes the erection of a terrace type development that will accommodate 9 dwellings with a front aspect looking out towards Wallace Court. The linear form of the development recognises the narrowness of the historic burgage plot. The bulk, form and scale of the building are representative of the existing buildings. The Conservation Manager has no objection to the massing and scale of the proposal.

- 6.3 The site restraints of the plot dictate the form and siting of the proposal with doors and windows facing out towards Wallace Court. In relation to Wallace Court, upper floor bedroom windows look out over the grounds, access road, parking area and the western flank elevation and windows to hallways and bedrooms. The height of ground floor windows will be slightly higher than the 1.8 metres boundary fence that runs along the boundary with Wallace Court. The application site and Wallace Court have similar ground levels. There will be approximately 9 metres separation between the proposal and the flank elevation of Wallace Court. While there will be overlooking of the grounds to Wallace Court this degree of overlooking is not sufficient to detract significantly from the privacy of habitable rooms.
- 6.4 The application proposes a car-free development. Advice contained in Planning Policy Guidance 13: Transport advocates such a proposal in the appropriate location. Also, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing advocates the cutting of carbon emissions by focusing new development in locations with good transport accessibility and to ensure housing is developed in suitable locations, which offer a range of community facilities, and with good access to jobs and key services. Furthermore, PPG13 states that the availability of car parking has a major influence on the means of transport people choose for their journeys. Studies suggest that even in areas well served by public transport, if parking provided people will still travel by car. Therefore, if this option is removed, people are less likely to travel by car thereby creating a more sustainable environment. Car-free developments are unlikely to be appropriate with most sites but this site is ideally suited to such a proposal; there is public car parking almost opposite the site, Red Meadow, which would meet the parking needs of the development if required, and it is within walking distance to shops, jobs and entertainment facilities. The applicant's agreement to contribute towards the provision of a pedestrian crossing will further promote pedestrian access to and from the site as well as benefiting the wider locality.
- 6.5 In terms of archaeology, the site is located in a sensitive area, within the historic core of Ross-on-Wye as defined by the Central Marches Historic Towns Survey 1996. Ross-on-Wye is considered to be an archaeologically important urban area. The Archaeological Advisor has commented the nature and scale of ground disturbance will probably be moderately severe. It is though possible to mitigate any damaging effect of the development by means of an archaeological investigation prior to and during development works through the use of an appropriate foundation design.
- 6.6 The site is located in a flood risk area. The application has been submitted with a flood risk assessment, which the Environment Agency considers acceptable subject to conditions. The dry access route from Wallace Court into the application site is preserved in this proposal.

RECOMMENDATION

In respect of DCSE2007/3618/C

That Conservation Area Consent be granted subject to the following condition:

- 1 D01 (Time limit for commencement (Listed Building Consent))**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- 1 N19 - Avoidance of doubt
- 2 N15 - Reason(s) for the Grant of Conservation Area Consent.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

In respect of DCSE2007/3619/F:

That:

(1) The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms as he considers appropriate.

(2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue Conservation Area Consent 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 C01 (Samples of external materials)

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

- 3 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

- 4 E04 (Submission of foundation design)

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

- 5 No development shall commence until a scheme for the provision and implementation of a surface water regulation system including the Sustainable Urban Drainage System, as detailed in the Flood Risk Assessment, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a sustainable means of surface water disposal.

- 6** Prior to the occupation of the development, an Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include full details of proposed awareness training and procedures for evacuation of persons and property and method and procedures for timed evacuation. It shall also include a commitment to retain and update the plan and include a timescale for revision of the plan.

Reason: To minimise the flood related danger to people in the flood risk area.

- 7** Prior to the first occupation of the development flood-free access as shown on drawing number 50026-01, dated 3/1/08, including finished ground levels no lower than 33.19 metres AOD along the route, shall be in place and thereafter maintained.

Reason: To ensure a safe development and prevent flood risk.

- 8** The finished floor levels of the dwellings hereby permitted shall be no lower than 33.80 metres AOD, with finished floor level of the car set no lower than the existing and flood proofing techniques incorporated at least 33.80 metres AOD, in accordance with the Flood Proofing and Flood Resilient Construction in the Flood Risk Assessment Addendum, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a safe development and prevent flood risk.

- 9** L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

- 10** L02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 11** L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 12** Before development commences architectural details of the shopfront to a scale of 1:1 or 1:5 shall be submitted to the local planning authority approved in writing.

Reason: To safeguard the character and appearance of the building.

INFORMATIVES:

- 1 W01 - Welsh Water Connection to PSS
- 2 N19 - Avoidance of doubt
- 3 N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

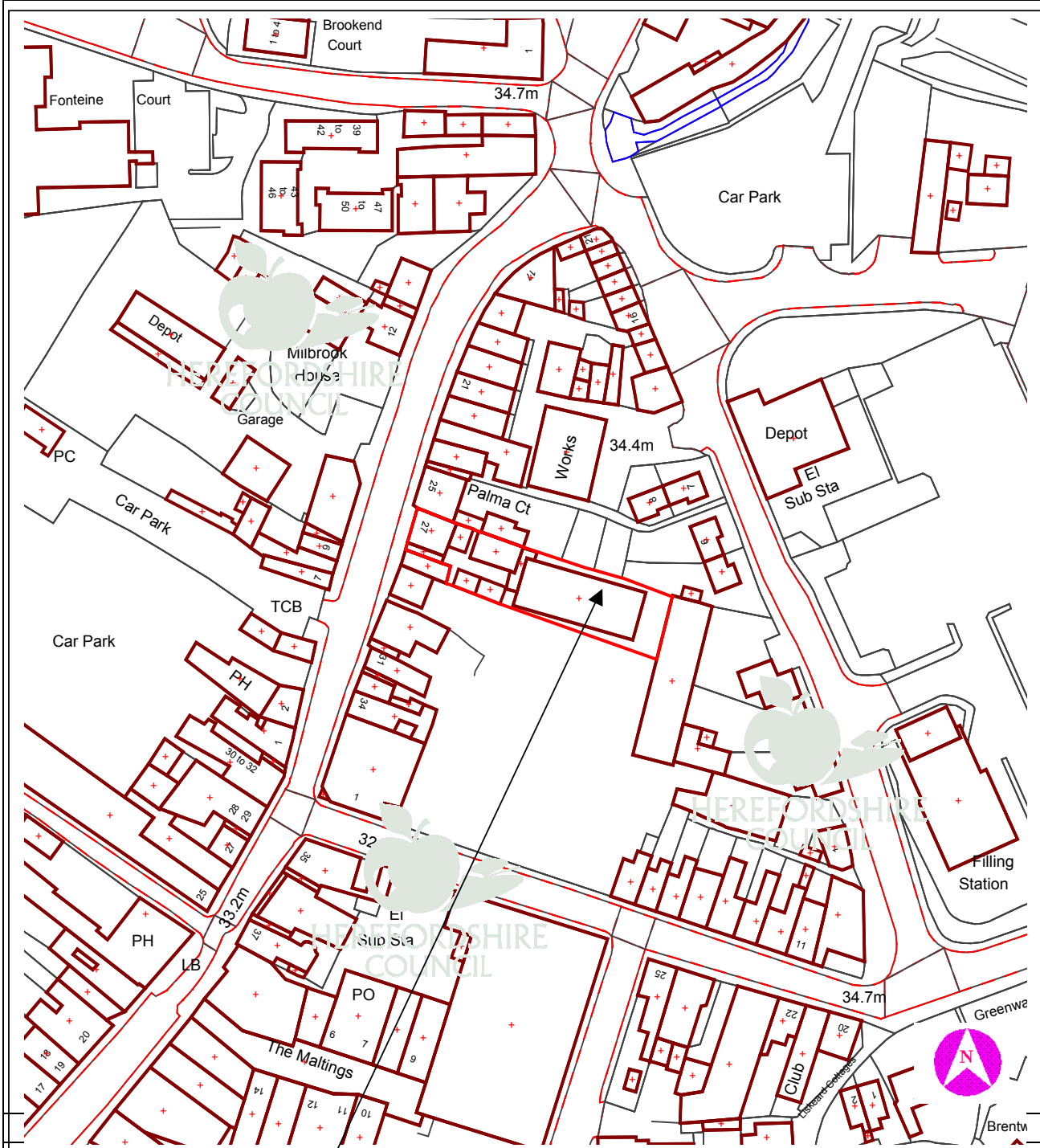
DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement
Section 106 Town and Country planning Act 1990

Planning Application DCSE2007/3619/F

Alterations and extensions including new shop front and extension of retail unit and 4 no. existing flats. Demolition of the detached commercial building to the rear and erection of 9 no. new build residential dwelling apartments, Palma Court, 27 Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EE

1. The developer covenants with Herefordshire Council, in lieu of the provision of a pedestrian crossing to pay Herefordshire Council the sum of £6000 which shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council as its option for the following:
 - (i) Provision of a pedestrian crossing in Station Street, Ross-on-Wye
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purpose specified in the agreement Clause 2 within 5 years of the date of this agreement, the Council shall repay to the developer the said sum which has not been used.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the completion of the Agreement.
5. The developer shall complete the Agreement by 28 September 2008 otherwise the application will be registered as deemed refused.



APPLICATION NOS: DCSE2007/3618/C & DCSE2007/3619/F

SCALE : 1 : 1250

SITE ADDRESS : Palma Court, 27 Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005