

7 DCSE2008/2815/F - PROPOSED DEVELOPMENT OF 13 NO. NEW RESIDENTIAL UNITS 7 NO. 3/4 BED HOUSES, 3 NO. 2 BED FLATS, 2 NO. 2 BED HOUSES & 1 NO. BED UNITS, WITH DEMOLITION WORKS TO REMOVE EXISTING GARAGE & MOT TEST CENTRE. GARDNER BUTCHER GARAGES, 30 KYRLE STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DB.

**For: Mr J Gardner per Mr R Moores, Evans Jones LLP,
Royal Mews, St Georges Place, Cheltenham,
Gloucestershire, GL50 3PQ.**

Date Received: 19 November 2008 Ward: Ross-on-Wye West Grid Ref: 59939, 24319

Expiry Date: 18th February 2009

Local Member: Councillors CM Bartrum and G Lucas

1. Site Description and Proposal

- 1.1 Gardner Butcher garage repair workshop is located on the south side of Kyrle Street almost opposite the entrance to Red Meadow public car park and Kyrle Place. It is the site of the former Ross gas works and a number of late C19 red brick buildings survive. On the southeastern side of these buildings is a black painted corrugated sheeted building. There is vehicular access off Kyrle Street, between the red brick building and the corrugated sheeted building. The rear boundary is defined by a retaining wall that is approximately 8 metres high.
- 1.2 Berkeley Mews adjoins the site on its south side and Morley Square is to the southwest.
- 1.3 The site is in the Ross-on-Wye conservation area and the Wye Valley Area of Outstanding Natural Beauty.
- 1.4 This application proposes the residential redevelopment of the site that will accommodate 13 mono-pitched roof dwellings. These will be in a terrace of five 3-storey units and two 3-storey semi-detached town houses that will be on the site of the red brick building and a pair of semi-detached houses and a block of 3 flats, a 3-bay carport are proposed between these units, a 1 bedroom unit is proposed above the carport, on the site of the corrugated sheeted building. The dwellings are to be set back from the edge of the adjoining pavement to allow visibility for vehicles emerging from a courtyard and the carports.
- 1.5 The proposal is for a development of contemporary design incorporating a composite metal roof system, timber cladding and coloured render and the application is accompanied by a Design and Access Statement, a Preliminary Contaminated Land Survey and a Heads of Terms in connection with a Section 106 Agreement.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR10	-	Contaminated land
E5	-	Safeguarding employment land and buildings
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
HBA6	-	New development within conservation areas
ARCH2	-	Foundation design and mitigation for urban sites
ARCH6	-	Recording of archaeological remains
LA1	-	Areas of Outstanding Natural Beauty

3. Planning History

- 3.1 SH780495PF - Building to house car body repair and spray shop. Approved 6.9.1978
- SH910890PO - Re-development of garage site to residential. Approved 6.11.1991
- SHSH940620PO - Re-development of garage site for residential. Approved 5.7.1994
- SH980395PO - 9, 1-bedroom flats and 10 maisonettes. No decision
- DCSE2008/2814/C - Demolition of corrugated steel garage. Approved 6.1.2009
- DCSE2008/2817/C - Demolition of garage and MOT test centre. Approved 6. 1. 2009

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water has no objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager recommends conditions.
- 4.3 Conservation Manager has no in principle objection to residential development on this site.
- 4.3 Archaeological Advisor has no in principle objection.
- 4.4 Parks and Countryside comments that the Draft Heads of Terms is as required by policy H19.

5. Representations

- 5.1 A Design and Access Statement has been submitted:

The Immediate Surroundings:

- The site is located centrally in Ross-on-Wye and within the conservation area;
- Kyrle Street is characterised by semi-detached and terraced family sizes housing at back of pavement with gardens to the rear;
- Generally the houses, although of a distinctive style, are of simple architectural design, detail and fenestration;
- There is however a number of set piece designs within the area having a higher level of detail;
- The shops that are further along the street are generally of a larger mass than the houses and are covered by expansive low spreading roofs;
- Elevations are faced in a variety of finishes that include brick, painted render and timber cladding. Roofs are generally large pitched constructions;
- A number of properties have dormer windows;
- Properties range in height from two, two and a half and three storey;
- The distinctive style of the area is reinforced by its semi-formal street pattern;
- Kyrle Place is opposite and comprises a number of semi-detached three storey units which appear uncharacteristic of the area;
- The architectural character of the area has been diminished by general householder alterations that include replacement doors and windows;
- The site is midway along the southern side of Kyrle Street and is backed by a large retaining wall that supports Morley court and Berkeley Mews, which 5-6metres above the ground level of the application site;
- Long stay public car parks are adjacent and opposite;

The Consideration of an Appropriate Form of Development for the Site:

- The site comprises of several buildings, the larger being the former gas works office which are considered of little architectural merit and not capable of conversion;
- The buildings are at back of pavement;
- Directly opposite is a terrace of new houses, Kyrle Place;
- To the rear and southwest is Morley Court;
- The site is located in a thriving community and is in a highly sustainable location. Town shops and community facilities are within close walking distance;
- It is considered the site is most suitable for residential use in particular flats providing opportunities for first time buyers, single people and the elderly;

- Although the site is highly sustainable each town house has parking for two vehicles. Cycle storage is also incorporated into the scheme;

Design Principles:

- To create a development that is an appropriate form for this distinctive urban location that respects the aesthetic of the original design principles of the street;
- To produce a scheme that uses high quality materials that enhance the AONB and the conservation area;
- To re-inforce the building line along the street;
- Continue the terrace form creating an active street frontage;
- To ensure the proposed development buildings are appropriate I scale, mass and appearance;
- To maintain the amenity and privacy of the Morley Court and Berkeley Mews;
- To encourage the use sustainable transport for access to facilities and work;

Design Considerations and Solutions:

- After looking at a number of options the scheme was configured with a mixture of three storey flats and town houses to the front of the site with subservient two storey buildings at the rear;
- The nature of adjacent properties are incorporated into the scheme;
- The shallow mono-pitched roofs help reduce the mass and overall height of the buildings an the views from Morley Court and Berkeley Mews are retained;
- The development has been designed with the principles of sustainable construction;

Materials:

- A simple pallet of materials is proposed to give high quality buildings that include coloured render and timber cladding;

Access

- The site is in a highly sustainable location; and
- It has good public transport links to Hereford, Ledbury, Newent, Gloucester and Monmouth.

5.2 Ross Town Council has no objection.

5.3 Objections have been received from:

Mr and Mrs C Passey, Horsemill House, 20 Kyrle Street, Ross-on-Wye
 CS O'Connor Thompson, Lonsdale, 1 Berkeley Mews, New Street, Ross-on-Wye
 DW Dawson, The Ross-on-Wye and District Civic Society, Travellers Green,
 Brampton Abbots

- The development is out of keeping with other residential properties in Kyrle Street;
- The parking/garaging areas fronting onto Kyrle Street will be dangerous to access and also provide an area for drunken behaviour and excess noise;
- It will increase vehicles in a small mostly one way street;
- The development is ugly and belongs in a city or in a Spanish holiday town;
- Too many properties on what is a confined space;

- The mono-pitch roofs are inappropriate in this location. There are modern inexpensive properties nearby that are more in keeping with the area;
- While white painted render is acceptable, the panels of coloured cladding look inappropriate;
- 3-storey dwellings could well dominate the narrow street;
- Plots 7-11 which back onto our property will affect our seclusion;
- The noise from the terraces will affect our amenity;
- Concern about the stability of the retaining wall; and
- The peace and quiet we enjoy at the moment will be lost.

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 This site is located in an area that is characterised by a mix of house types and retail uses. The use of the site as a vehicle repair workshop is an activity that falls within Use Class B2: (General Industrial) which include activities for the carrying out of industrial processes other than one falling within Class B1 which are uses that can be carried out that would be to the detriment of the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Given the proximity of nearby housing it is considered the existing use of the site, as a B2 use is inappropriate. While, policy E5 seeks to safeguard employment land and buildings, this application provides substantial benefits and amenities to the area. Also, the applicant is looking to relocate the business to alternative premises in Ross. Policy H14 deals specifically with the re-use of previously developed land and buildings acknowledging the importance these sites have in meeting the Council's overall housing provision. This is in line with the Government's commitment to maximising the re-use of previously developed land. Accordingly, there is no in principle objection to residential development of the site.
- 6.2 This application proposes a development of 13 town houses that will consist of 3-storey houses along the frontage of Kyrle Street with 2-storey dwellings along the southeastern boundary of the site, which is occupied by the corrugated, sheeted building. Units 7-11 that will front onto Kyrle Street will be set back a metre from the back of pavement to allow visibility for vehicles emerging onto Kyrle Street. Units 12 and 13 will be set back some 2.4metres from the back of pavement. While it is acknowledged the predominant character of Kyrle Street is composed by back of pavement buildings it is not considered the siting and staggering of the dwellings will be a significant detractor from this characteristic. Kyrle Place, which is opposite, and the most recent housing scheme in the area is set back some 2.5metres from the back of pavement. The set back is a necessary compromise to ensure an appropriate level of visibility.
- 6.3 Kyrle Street is characterised by a variety of building types and styles that vary from Victorian terraced cottages and 1970's 3-storey semi-detached houses opposite at Kyrle Place. It is considered that these house types demonstrate buildings of their time that create diversity to the area. While the building type near to the site is predominantly traditional in appearance it is the designers intention to re-develop this site with buildings that do not imitate the Victorian cottages further along Kyrle Street or the less attractive semi-detached houses that are opposite. The disjunction in design and massing of the proposal would be eased by 1metre gaps on either end of the site frontage and the context has been taken into account by staggering the 3 sections of the buildings. While, the majority of terraced houses in Ross have roofs parallel to the

street, the gable on approach in this application, which emphasises the verticality of the proposed dwellings, the scale and form of the 3-storey dwellings and the monopitch roofs create a rhythmic development in the street scene. Nevertheless it is acknowledge that they will stand out as distinctly different. However this contemporary approach is not considered inappropriate for this site and subject to careful control over the quality of materials utilised it is considered that the proposal will enhance the character and appearance of the locality and the wider Conservation Area.

- 6.4 Mention is made of the terracing that will be on the rear of units 7-11 and the impact these will have on the amenity of the adjoining dwelling, 1 Berkeley Mews. The submitted plan indicates the finished floor level of these units will vary from (34.404 to 35.885). The terraces are shown to be 2.8metres.metres above ground level. At the rear of the site is an 8metre high retaining wall above which is 1 Berkeley Mews. Given these comparative heights it is not considered the terraces will give rise to the loss of residential amenity of the neighbouring property.
- 6.5 The site is located within the historic core of Ross, designated as an Archaeologically Important Urban Area in the Herefordshire Unitary Development Plan. Given the nature and scale of the likely ground disturbance under the proposal, the development impact will probably be severe. There are clearly significant archaeological issues in this case. However, the Archaeological Advisor comments that it should be possible to mitigate any damaging effects of the development by means of an archaeological investigation prior to/during development works on site, and the employment of an appropriate foundation design. Accordingly there is no objection subject to the attachment of suitable archaeological condition to any permission granted.
- 6.6 The proposal is subject to contributions as set out in the SPD Planning Obligations. The applicant has agreed a Draft Heads of Terms to secure the enhancement of existing open space, play, sport and recreation, and enhanced education infrastructure in Ross-on-Wye. The proposal does not require a highway contribution this is because the anticipated traffic generation from the proposal is less than existing. Consequently, the Traffic Manager considers the development will have a nil impact on the adjoining road network.

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 C01 (Samples of external materials)

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

3 B07 (Section 106 Agreement)

a) £17,270 towards enhancement of existing open space, play sport and recreation facilities

- b) £32,813 towards the enhancement of educational infrastructure at Ross Early Years; Ashfield Park Primary School; St Josephs RC Primary School; John Kyrle High School and Ross Youth Service

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

- 4 L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 5 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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 6 L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 7 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

- 8 E04 (Submission of foundation design)

Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise archaeological disturbance through a sympathetic foundation design in order to comply with the requirements of Policy ARCH2 of Herefordshire Unitary Development Plan.

- 9 H02 (Single access – footway)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

- 10 H03 – (Visibility splays)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

- 11 H04 (Visibility over frontage)

- Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.
- 12 H08 (Access closure)
- Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.
- 13 H09 (Driveway gradient)
- Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.
- 14 H13 (Access, turning area and parking)
- 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 the Herefordshire Unitary Development Plan.
- 15 H21 (Wheel washing)
- Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.
- 16 H22 (Opening windows adjacent to the highway)
- Reason: In the interests of highway safety and to conform with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.
- 17 H27 (Parking for site operatives)
- Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.
- 18 H29 (Covered and 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 and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

INFORMATIVES

- 1 N15 - Reason(s) for the Grant of Planning Permission
- 2 N19 - Avoidance of doubt - Approved Plans
- 3 W01 - Welsh Water Connection to PSS
- 4 W02 - Welsh Water rights of access

- 5 **HN01 – Mud on highway**
- 6 **HN04 – Private apparatus within highway**
- 7 **HN05 – Works within the highway**
- 8 **HN10 – No drainage to discharge to highway**
- 9 **HN22 – Works adjoining highway**
- 10 **HN24 – Drainage other than via highway system**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

APPENDIX

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

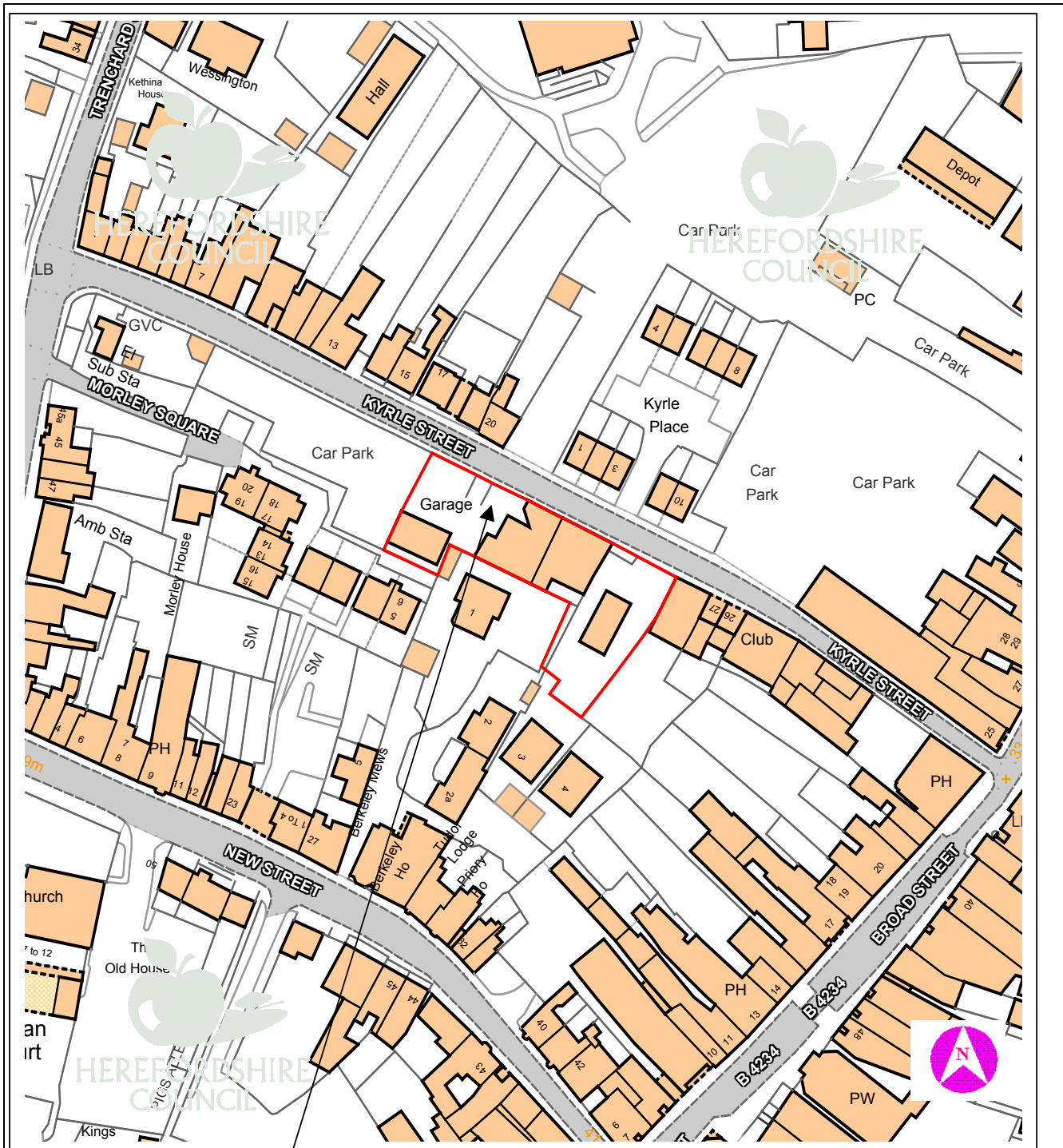
Planning Application – DCSE2008/2815/F

Development of 13 residential units
Butcher Gardner Garage, Kyrle Street, Ross-on-Wye

1. The developer covenants with Herefordshire Council to pay £17,270 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the locality of the development or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £32,813 to provide enhanced educational infrastructure at Ross Early Years, Ashfield Park Primary School; St Josephs RC Primary School, John Kyrle High School and Ross Youth Service.
3. In the event that Herefordshire Council does not for any reason use the said contributions in paragraphs 1 and 2 for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council

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 preparation and completion of the Agreement.

DW THOMAS
SENIOR PLANNING OFFICER



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APPLICATION NO: DCSE2008/2815/F

SCALE : 1 : 1250

SITE ADDRESS : Gardner Butcher Garages, 30 Kyrle Street, Ross-on-Wye, Herefordshire, HR9 7DB

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