

**9 DMSE/092758/F - REMOVAL OF EXISTING DETACHED HOUSE AND GARAGE AND REDEVELOPMENT OF SITE TO PROVIDE 7 NO. 2 BEDROOM FLATS INCLUDING CAR PARKING AND LANDSCAPING AND UTILISING EXISTING VEHICULAR ACCESS ALTERED TO PROVIDE NEW TURNING AT GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5LS.**

**For: Mrs Drummond Per Mr Neil Shepherd, Goldenlea Grafton Lane, Binton, Stratford on Avon, Warwickshire CV37 9TZ.**

**Date Received: 27 October 2009 Ward: Ross-on-Wye East Grid Ref: 360594.0,224307.0**

**Expiry Date: 22 December 2009**

Local Members: Councillors PGH Cutter and AE Gray

**1. Site Description and Proposal**

- 1.1 The application site which comprises a modern detached house and gardens of about 0.13 ha is at the northern end of Ryefield Road. To the south and east are large Victorian detached houses (the adjoining house Cherrington being a stone villa) and terraced housing, respectively. On the opposite side of the road is the Ryefield Centre. To the north is a narrow strip of land with mature trees (subject to a Tree Preservation Order, although these trees are not on the site) and beyond that the Ashburton Industrial Estate.
- 1.2 An application (DCSE2007/0031/F) to erect a 3 and 2 storey block of 9 apartments was refused permission in June 2007 for the following reason:
- “The proposed apartment building would be an over-intensive form of development, which would harm the character and amenity of the area. The proposal would conflict therefore with Policies H1, H13, S2 and DR1 of the Herefordshire Unitary Development Plan 2007.”*
- 1.3 An application (DCSE2008/0039/F) was refused at SAPSC and subsequently dismissed on appeal. It was for the same number of residential units as DCSE2007/0031/F but with the main section fronting Ryefield Road being of 2 rather than 3-storey height. The application was refused for three reasons, relating to over-development, loss of privacy and inadequacy of the parking provision.
- 1.4 In his decision letter the Inspector commented that he did not consider the principle of redevelopment for flats to be out of keeping with the character of the area, but did conclude that the access and parking arrangements would introduce a degree of disturbance for neighbouring residents and that the outlook from one of the bedrooms to Cherrington would be significantly affected.
- 1.5 In an attempt to address these concerns the current scheme proposes redevelopment comprising the demolition of the existing dwelling and erection of 7 two-bed units. Bound up with this is a significant reduction in the scale of the building. In former applications vehicular access to the site was through an under-croft adjacent Cherrington, with accommodation over.

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

This is now dispensed with and the building is set away from the common boundary being 12.2 metres from the flank of Cherrington as opposed to 5.1 metres as proposed under the appeal scheme. The building is also brought 1 metre further forward on the site so that it is approximately 4 metres from the stone boundary wall. The building is smaller in scale, the two-storey element extending 18.2 metres back into the site as against the 25.8 metres under the appeal scheme. The building then steps down to a single storey for the remainder, which incorporates ground floor flat 4. The two-storey element remains 8.8 metres tall.

- 1.6 Ground floor units 1 & 2 share a lobby and offer identical accommodation and configuration. Units 3 and 4 to the rear have independent access. The stairs to the first floor are tucked around the corner against the rear of unit 1. Units 6 & 7 are found above units 1 & 2 and are identical. Unit 5 is above unit 3. A total of 11 parking places are provided at the rear of the site with provision for covered cycle parking. It is also proposed to modify the access in order to provide for a turning head for public use. The cul-de-sac does not currently contain a turning head and the access modification is being offered up as a means of overcoming the Inspector's concern.
- 1.7 The scheme is accompanied by a Draft Heads of Terms, which is compliant with the Council-adopted Planning Obligations SPD and is attached to this report as Appendix 1.

## 2. Policies

### 2.1 National Guidance

PPS3 - Housing

### 2.2 Herefordshire Unitary Development Plan 2007

S1 - Sustainable Development  
 S2 - Development Requirements  
 S3 - Housing  
 DR1 - Design  
 DR2 - Land Use and Activity  
 DR3 - Movement  
 H1 - Hereford and the market towns: settlement boundaries and established residential areas  
 H14 - Re-using previously developed land and buildings  
 H15 - Density  
 H16 - Car parking  
 LA5 - Protection of Trees, Woodlands and Hedgerows  
 LA6 - Landscaping Schemes

## 3. Planning History

- 3.1 DCSE2007/0031/F Demolition of existing detached dwelling and erection of 9 no. residential dwelling apartments - Refused 20.06.07
- 3.2 DCSE2008/0039/F Removal of existing house and construction of nine flats, including car parking and landscaping and utilising existing vehicular access - Refused 12.02.08 and subsequently dismissed on appeal.

## 4. Consultation Summary

### Statutory Consultations

4.1 Welsh Water: No response

Internal Council Advice

4.2 Traffic Manager: No objection subject to the submission of a detailed scheme for the turning head, which will have to be built to adoptable standards and a detailed design for the cycle parking. Both can be dealt with via condition.

4.3 Conservation Manager (Biodiversity and Landscapes): Has expressed some concern that the application is not accompanied by a tree survey and that the proposed bin store may impact trees on the adjoining site. It has been confirmed, however, that the proposal will not affect the TPO trees within the industrial estate to the north.

4.4 Public Rights of Way Manager: No objection

## **5. Representations**

5.1 Ross Town Council: No objections

5.2 Two letters of objection have been received from Mr Pope, Cherrington, Ryefield Road and Mr & Mrs Hiley, 8 North Road, Ross-on-Wye. The content is summarised as follows:

- The reduction in numbers from 9 to 7 will make no difference to the number of extra vehicles using the dangerous junction of Ryefield Road onto the Gloucester Road;
- The proposal would adversely affect the character of the area and may have implications for the drainage system;
- The proposal would result in loss of privacy and overshadowing of gardens.

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

## **6. Officer's Appraisal**

6.1 The application proposes the demolition of the existing four-bed detached dwelling and replacement with a single block containing 7, 2-bed apartments at Green Orchard, Ryefield Road. The application is made against the backdrop of two previously refused schemes for 9 apartments, the latter of which was dismissed at appeal.

6.2 The main differences between the appeal scheme and the current proposal are as follows:

- A reduction in the number of units from 9 to 7;
- A reduction in the scale of the building. The two-storey element is truncated and steps down to a single-storey element further into the site;
- The parking ratio (apartments to parking spaces) rises from 1.44 to 1.57;
- Greater separation distance to the flank elevation of Cherrington – 12.2 metres as opposed to 5.1 metres;
- Modification to the access to create a turning head at the cul-de-sac for public use.

6.3 The main issues in the determination of this application are as follows:

- The principle of development;
- The impact of the proposal upon the privacy and amenity of neighbouring dwellings;
- The implications for the Ryefield Road/Gloucester Road junction.

- 6.4 The principle of residential development at the site is clearly established. The site is within an established residential area within a Market Town Policy (H1). Moreover, the appeal Inspector commented that redevelopment for apartments would not be out of keeping with the area. In addition the scale of the building has been substantially reduced. The density equates to 54 dwellings/hectare, which is considered appropriate to this suburban location in accordance with advice contained within PP53 Housing.
- 6.5 In dismissing the appeal for 9 apartments the Inspector concluded that the 5.1 metres separation distance between the appeal building and Cherrington would be insufficient to guard against a loss of outlook and amenity to a bedroom window at Cherrington. This smaller proposal has allowed this gap to widen to 12.2 metres, which is considered an acceptable separation between flank elevations. The neighbours at 8 North Road have expressed concern as regards loss of privacy and overshadowing of rear gardens. However, the proposed building would be 16.5 metres from the boundary, at which point it is single-storey. Moreover there is only one first floor window in the rear (east) elevation, which is 31 metres from the boundary and approximately 50 metres from the residential terrace in North Road. In fact, despite the increase in the number of dwellings on site, there are far fewer windows in the east elevation of the proposed apartment building than there are in the existing single dwelling.
- 6.6 The Traffic Manager has raised no objection to the proposal and is content that the scheme would have no consequence for the operation of the existing Ryefield Road/Gloucester Road junction. The provision of a publicly accessible turning head is welcome and will alleviate the current need to reverse and manoeuvre within the highway. The precise design detail of the turning head, which will be dedicated to the Highway Authority, will be governed via condition.
- 6.7 The submitted Design and Access Statement refers to proposed structural planting to “act as a buffer between the flats and adjoining properties and to enhance the level and number of trees within the area and along a road delineated by mature trees. A condition is recommended to ensure that such a scheme is implemented. The S.106 agreement will be completed in line with a standard condition, prior to the first occupation of any of the apartments.

#### Summary and Conclusions

Officers are satisfied that the revised scheme respects the character of the area and would have no prejudicial impact upon the residential amenity of existing dwellings. The scale of the building is appropriate within the street-scene and parking is at an appropriate level. Subject to conditions, including the requirement to complete a S.106 Agreement, the application is recommended for approval.

#### **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B07 Section 106 Agreement**
- 3. C01 Samples of external materials**
- 4. H06 Vehicular access construction**
- 5. H08 Access closure**
- 6. H09 Driveway gradient**

- 7. H13 Access, turning area and parking
- 8. H17 Junction improvement/off site works
- 9. H27 Parking for site operatives
- 10. H29 Secure covered cycle parking provision
- 11. G10 Landscaping scheme
- 12. G11 Landscaping scheme - implementation
- 13. F16 No new windows in specified elevation
- 14. I51 Details of slab levels

**INFORMATIVES:**

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

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMSE/092758/F

**SITE ADDRESS :** GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5LS

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**DRAFT HEADS OF TERMS****Proposed Planning Obligation Agreement  
Section 106 Town and Country Act 1990**

Planning Application: Removal of existing detached house and garage and redevelopment of site to provide 7 no. 2-bed flats including car parking and landscaping at Green Orchard, Ryefield Road, Ross-on-Wye, Herefordshire HR9 5LS

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities on site to serve the development, to pay Herefordshire Council the sum of £1,259 (contribution based around the requirements of policy H19 of the UDP). The money shall be used by Herefordshire Council for the provision of new play sport and recreational facilities within the locality.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £14,349 to provide enhanced educational infrastructure at St. Josephs RC Primary School, John Kyrle High School with 1% allocated for special educational needs.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6, 815 for off-site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access and turning head arrangements).
4. The 'highway contribution' monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Traffic calming and improved signage;
  - b) Contribution to improved bus services;
  - c) Contribution to Safe Routes for Schools;
  - d) Improved bus shelters/stops in the locality of the application site;
  - e) New/improved cycling/pedestrian connectivity with the site;
  - f) New/improved pedestrian and cyclist crossing facilities;
  - g) Initiatives to promote sustainable transport initiatives.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,022 toward the enhancement of existing library services in Ross-on-Wye.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administrative charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
7. In the event that Herefordshire Council does not for any reason use the said sum within Clauses 1, 2, 3 and 5 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay the developer the said sum or part thereof, which has not been used by Herefordshire Council.
8. All of the financial contributions shall be Index Linked and paid on or before commencement of the development.
9. 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.

Edward Thomas  
Principal Planning Officer 9 December 2009