

MEETING:	PLANNING COMMITTEE
DATE:	12 MAY 2010
TITLE OF REPORT:	<p>DMSE/100399/F - DEMOLITION OF EXISTING RESIDENTIAL PROPERTY & CONSTRUCTION OF 14 NO. APARTMENTS, ASSOCIATED CARPARKING, LANDSCAPING AND ACCESS AT PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.</p> <p>DMSE/100400/C - DEMOLITION OF EXISTING RESIDENTIAL PROPERTY & CONSTRUCTION OF 14 NO. APARTMENTS, ASSOCIATED CARPARKING, LANDSCAPING AND ACCESS AT PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.</p> <p>For: Mr MF Freeman, Ruardean Workshops, Varnister Road, Near Drybrook, Gloucestershire, GL17 9BH.</p>

Date Received: 26 February 2010 **Ward: Ross-on-Wye East** **Grid Ref: 359823,223347**

Expiry Date: 28 May 2010

Local Members: Councillor AE Gray and Councillor PGH Cutter

1. Site Description and Proposal

- 1.1 The application site is located on the east side of the B4234 Walford Road some 800 metres south of Ross-on-Wye town centre. The site comprises Penrice, a large inter-war detached dwelling, set within a curtilage that extends to 0.28ha. The site is within the settlement boundary of Ross-on-Wye in the Wye Valley Area of Outstanding Natural Beauty and within the Ross-on-Wye Conservation Area.
- 1.2 The site is rectangular in shape with a frontage onto the Walford Road. The existing vehicular access is towards the northern end of the frontage with the driveway running diagonally and to the south of Penrice to a flat roofed garage and large parking area. The site is currently screened from Walford Road by a stonewall, wooden fence and mature roadside planting.
- 1.3 The southern perimeter is defined for much of its length by a 3 metre high stone wall, which also forms part of the north elevation of Chasedale Cottage, which as a consequence forms part of the southern site boundary. Westwood is a detached dwelling to the immediate north, with the remainder of the northern boundary formed by the playing fields to St. Joseph's primary school. Residential properties on Eastfield Road are found to the east.

- 1.4 The application is for the demolition of the existing dwelling and erection of two blocks of apartments containing a total of 14, 2-bed apartments arranged over 3 floors with 8 in the roadside block and 6 apartments in the rear block. A Conservation Area Consent application covering the demolition of Penrice accompanies the planning application. The roadside block would occupy the land vacated by the demolished dwelling with the rear block located in the eastern portion of the site. It is proposed to move the vehicular access to the south-west corner of the site moving through to a parking court set between the two blocks. The roadside block is 3-storey throughout. The rear block is 3-storey at the front, descending to single-storey at the rear in response to concerns regarding the potential overlooking of properties in Eastfield Road.
- 1.5 The 3-storey blocks have an overall height of 10.3m, which is 1.5 metres taller than the existing dwelling. The proposal promotes a contemporary design approach but with a palette of materials intended to reflect the surrounds, including panels of red brick, render and glazing under a traditional slated roof with chimney stacks to provide vertical emphasis.
- 1.6 The apartments range in size from 82 to 123 square metres and contain an open plan living/dining/kitchen area with two bedrooms (one en-suite) and a separate bathroom. The Design and Access statement affirms that orientation is designed to benefit from passive solar gain, whilst the roof design creates a number of south facing roof slopes that would be suited to the use of solar panels.
- 1.7 Chasedale Cottage and Westwood are the two dwellings in closest proximity to the application site. At it's nearest the roadside block is 12 metres from Westwood and 6.5 metres from Chasedale Cottage. The rear block has a different design with the 3-storey block at the front, with a single-storey 'garden' flat nearest the eastern boundary, beyond which are the gardens to Eastfield Road properties. This apartment lies within 5 metres of the site boundary but is more than 45 metres from the actual dwellings on account of lengthy rear gardens. The 3-storey element of the rearward block is a further 13 metres away, such that it is nearly 60 metres distant from the property in Eastfield Road.
- 1.8 The application is accompanied by a topographic survey, ecological report, tree survey and Conservation Area Appraisal. A report into the impact of the proposal upon the provision of daylight and sunlight to Chasedale has also been submitted.
- 1.9 A draft heads of terms accompanies the application the content of which is attached to this report.

2. Policies

2.1 National Planning Guidance

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS5	-	Planning for the Historic Environment
PPS9	-	Biodiversity and Geological Conservation

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
H1	-	Hereford and Market Towns: Settlement boundaries and established residential areas
H13	-	Sustainable Residential Design

H14	-	Re-using previously developed land and buildings
H16	-	Car parking
HBA6	-	New development within conservation areas
HBA7	-	Demolition of unlisted buildings within conservation areas
LA1	-	Areas of Outstanding Natural Beauty
LA5	-	Protection of trees, woodlands and hedgerows
NC1	-	Biodiversity and development

3. Planning History

3.1	SH87/1589/PO	Erection of a dwelling for veterinary surgery assistant to live on site.	-	Refused
	SH89/0095/PO	Three houses to rear of Penrice	-	Refused 01.03.1989
	DCSE2007/1955/O	Outline application for the erection of a detached dwelling with ancillary works on land adjoining Penrice:	-	Refused and dismissed on Appeal 28.02.2008
	DCSE0009/1972/F & SE0009/1973/C	Demolition of existing residential property and construction of 14 no. apartments, associated car parking landscaping and access	-	Withdrawn 18.12.2009

4. Consultation Summary

- 4.1 Welsh Water: No objection subject to the imposition of standard conditions relating to the treatment of foul and surface water drainage.

Internal Council Advice

- 4.2 Conservation Manager: Ashfield is an area of relatively high status detached villas set in spacious plots and this low density is a key characteristic of this part of the Ross conservation area. Although its site was formed by the subdivision of the Chasedale Hotel's garden, Penrice fits this pattern in term of scale and density, but as an interwar building it does not match the architectural quality of some of its earlier neighbours, and is not considered to be of any particular local interest. Therefore there is no conservation objection to its demolition,

The current application increases the density of units per hectare, but has acknowledged the prevailing grain of development in the area. The massing and scale of the two blocks is comparable to many of the neighbouring buildings. A contemporary approach has been taken to the design, although this does take some cues from its context in terms of form, massing and materials. The use of stucco render, fair-faced sandstone masonry natural slate all reflect the prevailing palette of materials and will help the scheme integrate with its context.

It is considered that the scheme will have a positive impact on the character of the Ross conservation area in accordance with Policy HBA6.

- 4.3 Traffic Manager: The vehicular access arrangements have been the subject of objection from most of the respondents on this application. However, the proposals comply with the Council's Design Guide for New Developments in terms of layout and visibility. The requisite visibility of 2.4m x 90m can be achieved and allows for motorists travelling 10kph over the speed limit. The junction will afford pedestrians priority by taking the form of a crossover

rather than a dropped crossing. Conditions are recommended in relation to the formation of visibility splays, vehicular access construction and the closure of the existing access.

5. Representations

5.1 Ross Town Council: Objection. The committee has concerns over access and traffic on the Walford Road, the infrastructure (sewage in particular) and the impact on the amenity and privacy both at the back (Eastfield Road) and the front (Walford Road).

5.2 19 letters of objection have been received from local residents, one accompanied by a 44 signature petition. The content of the letters is summarised as follows:

- The erection of 3-storey flats and the demolition of a detached dwelling would be out of keeping with the prevailing character of the conservation area and would neither preserve or enhance the character or appearance of the area;
- The proposed buildings are of an inappropriate scale and type;
- The buildings would be overbearing in relation to their neighbours, with first and second floor balconies overlooking properties at the front and rear and to both sides. The loss of residential amenity and privacy is unacceptable;
- The buildings are taller and wider than adjacent properties and would reinforce the linear development along Walford Road rather than keeping a suitable margin around the buildings as is characteristic of the area;
- 3-storey buildings are inappropriate in a high quality residential suburb, but may be more suited to a town centre;
- There are lots of unsold/un-let flats in Ross. The demand would appear to be for low cost, family homes rather than luxury flats;
- 14 apartments would result in the creation of a busy junction onto the already busy Walford Road. There have been accidents locally. The high demand for parking associated with these properties could result in additional parking on Walford Road, restricting road width and the free flow of traffic;
- Although not of architectural interest in its own right, Penrice and other late C20 dwellings do contribute to the pleasant mixture of well proportioned houses that are appropriate to their sites. The proposal is disproportionately large in relation to both the surrounding area and the plot;
- Because they are over one floor, the accommodation will be occupied all day long, unlike traditional dwellings, where the first floors are typically only inhabited at night. Overlooking and the consequent loss of privacy will therefore be particularly severe;
- Permitting this development would result in an unwelcome precedent for similar redevelopment proposals that result in the loss of large gardens;
- A proposal for the erection of a single, detached dwelling within the grounds of Penrice was rejected and dismissed on appeal (DCSE2007/1955/O). To permit a much larger, more obtrusive scheme would be illogical.

5.3 Wye Valley Society: Objects. The massing and footprint of these buildings is too large in relation to the conservation area and Area of Outstanding Natural Beauty. The demolition of Penrice is not warranted and contrary to policy HBA7 (demolition of unlisted buildings within conservation areas) of the Unitary Development Plan.

5.4 Herefordshire CPRE: Penrice is a 4-bedroomed detached dwelling set in a large garden, which is characteristic of this part of Ross-on-Wye. The letter objects to the proposal on the basis that it promotes 'garden grabbing' and contrary to PPS3 Housing puts forward a design that is inappropriate to its context. Concern is also expressed at the potential conflict between vehicles and school children on what is a busy route to local primary schools. The CPRE considers the proposal contrary to Policies HBA6, HBA7 and DR1 of the Unitary Development Plan.

- 5.5 The submitted Design and Access Statement describes how the buildings have been designed to take account of the context, utilising a palette of traditional materials whilst ensuring that the existing mature planting is retained. Although the front building is nearer to Walford Road than Penrice, it is contended that the existing mature trees will ensure that only glimpses of this building are visible from public vantage points, whilst the rear block will be largely obscured by the roadside block.
- 5.6 The submitted Conservation Area Appraisal identifies that Penrice was constructed between 1928 and 1937 on a site formed by the sub-division of the Chasedale Hotel's grounds. By reference to English Heritage guidance, the appraisal concludes that Penrice does not make a positive contribution to the character of the conservation area and demolition is thus justified. By contrast it considers the proposed buildings would respect the character of the conservation area and would be in keeping with their context, thereby enhancing the character and appearance of the area in accordance with Policy HBA6 of the Unitary Development Plan.
- 5.7 The tree report commissioned by the applicant identifies only two trees of note actually present within the site. In order to ensure that no damage is caused to the Black Pine during the construction of the proposed new access, a no-dig method construction method is recommended. The existing access should be removed without causing disturbance to the underlying soil which is home to existing roots.

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 key issues in the determination of this application are as follows:
- An assessment of the principle of redevelopment of this site;
 - Consideration of the scale, massing and design of the proposed apartment buildings in relation to the Conservation Area;
 - An assessment of the impact of the proposal upon the residential amenity of adjoining residential development;
 - Consideration of the suitability of the means of vehicular access onto Walford Road having regard to intensification of use, parking and pedestrian safety.

The principle of development and appropriateness within the Conservation Area

- 6.2 The site forms part of the Ross conservation area and the Area of Outstanding Natural Beauty. It is also, however, within the Ross settlement boundary and forms part of an established residential area. Policy H1 of the UDP supports the principle of residential development within Hereford and the market towns and there is a presumption in favour of better utilising, where appropriate, previously developed land (policy H14). Within Conservation Areas local planning authorities are also under a statutory duty to ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development proposals. In other words, development that would neither preserve nor enhance the character or appearance of the conservation area ought to be refused.
- 6.3 With this in mind the principle of development has been questioned by objectors on the basis that the scheme promotes the erection of apartments in what is an area typified by traditional dwellings. Moreover the justification for demolishing Penrice has been questioned. Whilst recognising that it is not a building of any particular architectural merit, objectors consider Penrice a well proportioned dwelling in large surrounds - a form of development that is characteristic of the wider area.

- 6.4 However, the advice of the Conservation Manager is that as an interwar building, Penrice does not exhibit any significant architectural or historic features that could underpin its retention. The Conservation Manager considers that the building does not contribute positively to the character or appearance of the area and given that the demolition is accompanied by a redevelopment proposal that in his view accords with HBA6, the demolition of Penrice is acceptable in accordance with Policy HBA7 – demolition of unlisted buildings in conservation areas. It is also the officer's opinion that although the proposal increases the density of units per hectare, it does acknowledge the prevailing grain of development in the area. The massing and scale of the two blocks is considered comparable to many of the neighbouring buildings, whereas the contemporary design approach does take cues from its context in terms of form, massing and materials. The use of stucco render, fair-faced sandstone masonry natural slate all reflect the prevailing palette of materials and will help the scheme integrate with its context.
- 6.5 The scheme promotes what are undeniably large buildings. The height of the 3-storey elements is 1.5 metres taller than the existing dwelling and the footprint of each building is also significantly larger. However, the Conservation Manager advises that the buildings are commensurate in terms of scale and massing with some nearby buildings, most notably Chasedale Hotel and in the wider context would not appear incongruous. It is also the case that the rear block will be obscured in views from Walford Road by the roadside block, whilst retained mature planting will ensure that only glimpsed views are possible.
- 6.6 It is therefore considered that the form, massing and detailed design of the buildings is appropriate within the conservation area and the scheme would preserve and arguable enhance the character and appearance of the area in accordance with Policy HBA6.

The impact upon neighbouring residential amenity

- 6.7 Whilst the massing and scale of the buildings is considered appropriate in the context the detailed design does incorporate balconies to first and second floor flats, where they are recessed beneath the eaves. Given the height of the building relative to the neighbours, and the position of certain parts of the buildings in close proximity to the site boundary, this is an issue that requires careful consideration. On the rear block privacy screens have been shown to the northern and southern ends of the first and second-storey balconies in order to prevent overlooking in these directions, effectively giving only an aspect towards the east. On the roadside block, whilst obscure glazing is proposed to the north elevation of the block closest to Westwood, privacy screens have not been incorporated to the balconies. In your officer's view, the resultant overlooking from both first and second floors balconies would amount to an unacceptable loss of privacy and residential amenity to the occupiers of Westwood both in terms of loss of privacy to the garden and insufficient window-to window distances.
- 6.8 If unaddressed, this issue would be sufficient to warrant refusal of the application. However, at the time of writing the applicant has indicated a willingness to address this issue through the omission of the offending external balcony areas and this is reflected in the wording of the recommendation, with the grant of planning permission conditional upon the receipt of amended plans that satisfactorily overcome the stated concern.
- 6.9 Some residents living in Eastfield and Walford Road remain concerned at the potential for overlooking irrespective of the privacy screens and suggested revisions set out above. However, the second floor balconies in the rear block are 17 metres from the boundary with the properties in Eastfield Road and nearly 60 metres from the buildings themselves. Although the balconies will afford views over the rear gardens of the properties to the east, the distances involved are considered sufficient by your officers. Moreover the second floor of the rear block is occupied by a single penthouse apartment (although 2-bedroomed as per the rest of the scheme), a level of occupation that will reduce the propensity for overlooking.

- 6.10 The submitted daylight and sunlight analysis concludes that the proposal will have no impact upon the available sunlight to Chasedale Cottage. This is due to the fact that Chasedale Cottage is located to the south of the proposal. The same study confirms that daylight to the first floor east-facing window at Chasedale Cottage will also remain within acceptable parameters. In conclusion, officers consider the relationship between the proposed buildings and the existing neighbours to be acceptable subject to the receipt of amended plans in relation to the first and second floor balconies on the roadside block in relation to Westwood.

Highway Safety

- 6.11 Concern has been expressed at the level of vehicular movements that will be associated with the erection of 14 apartments at this location on Walford Road. This is a busy road, well used by vehicles and pedestrians alike.
- 6.12 The Traffic Manager has been involved in the formulation of the proposed access arrangements. It is considered that the means of vehicular access is acceptable in the context, with the requisite visibility splays capable of implementation. Likewise the parking provision of 22 spaces (a ratio of 1.5 spaces per apartment) is considered acceptable, with a condition recommended to ensure that the parking areas are constructed prior to the first occupation of any of the apartments.
- 6.13 The draft Heads of Terms includes a contribution towards sustainable transport improvements in the locality (£23,436), which if permission were granted, would help secure the installation of a formal pedestrian crossing point at a position to be agreed on Walford Road.

S106 – Head of Terms

- 6.14 The draft Heads of Terms makes provision for contributions towards sustainable highway infrastructure (£23,436), play space and sports facilities (£17,417) and the improvement of educational facilities within the vicinity of the application site (£29,535). These contributions are in accordance with the adopted Supplementary Planning Document: Planning Obligations.

Summary and Conclusions

The application proposes the erection of two, comparatively large apartment blocks, which will change the character of the site and the immediate area. However, officers consider that this change preserves the character and appearance of the conservation area in accordance with Policy HBA6 and subject to the receipt of amended plans demonstrating that outstanding overlooking issues have been addressed, recommend that planning permission be granted.

RECOMMENDATION

In respect of DMSE/100399/F:

That subject to amended plans addressing the outstanding overlooking issues, officers named within the scheme of delegation be authorised to grant planning permission subject to the conditions outlined below and any other conditions considered necessary by officers:

- 1 A01 Time limit for commencement (full permission)**
- 2 B03 Amended plans**
- 3 B07 Section 106 Agreement**
- 4 C01 Samples of external materials**

- 5 **D04 Details of window sections, eaves, verges and barge boards**
 - 6 **H03 Visibility splays**
 - 7 **H02 Single access - footway**
 - 8 **H06 Vehicular access construction**
 - 9 **H08 Access closure**
 - 10 **H13 Access, turning area and parking**
 - 11 **H21 Wheel washing**
 - 12 **H27 Parking for site operatives**
 - 13 **H29 Secure covered cycle parking provision**
 - 14 **F17 Obscure glazing to windows**
 - 15 **The privacy screens shown on the approved plans shall be installed prior to the first occupation of any of the apartments hereby approved and shall be retained in perpetuity.**
- Reason: In the interests of preserving residential amenity so as to comply with policy H13 of the Herefordshire Unitary Development Plan.**
- 16 **G02 Retention of trees and hedgerows**
 - 17 **G04 Protection of trees/hedgerows that are to be retained**
 - 18 **G10 Landscaping scheme**
 - 19 **G11 Landscaping scheme - implementation**

INFORMATIVES:

- 1 **HN01 Mud on highway**
- 2 **HN04 Private apparatus within highway**
- 3 **HN05 Works within the highway**
- 4 **HN10 No drainage to discharge to highway**
- 5 **HN28 Highways Design Guide and Specification**
- 6 **N15 Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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In respect of DMSE/100400/C:

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

- 1 D01 Time limit for commencement (Listed Building Consent)**
- 2 D13 Signing of contract before demolition**

INFORMATIVE:

- 1 N15 Reason(s) for the Grant of Conservation Area Consent**

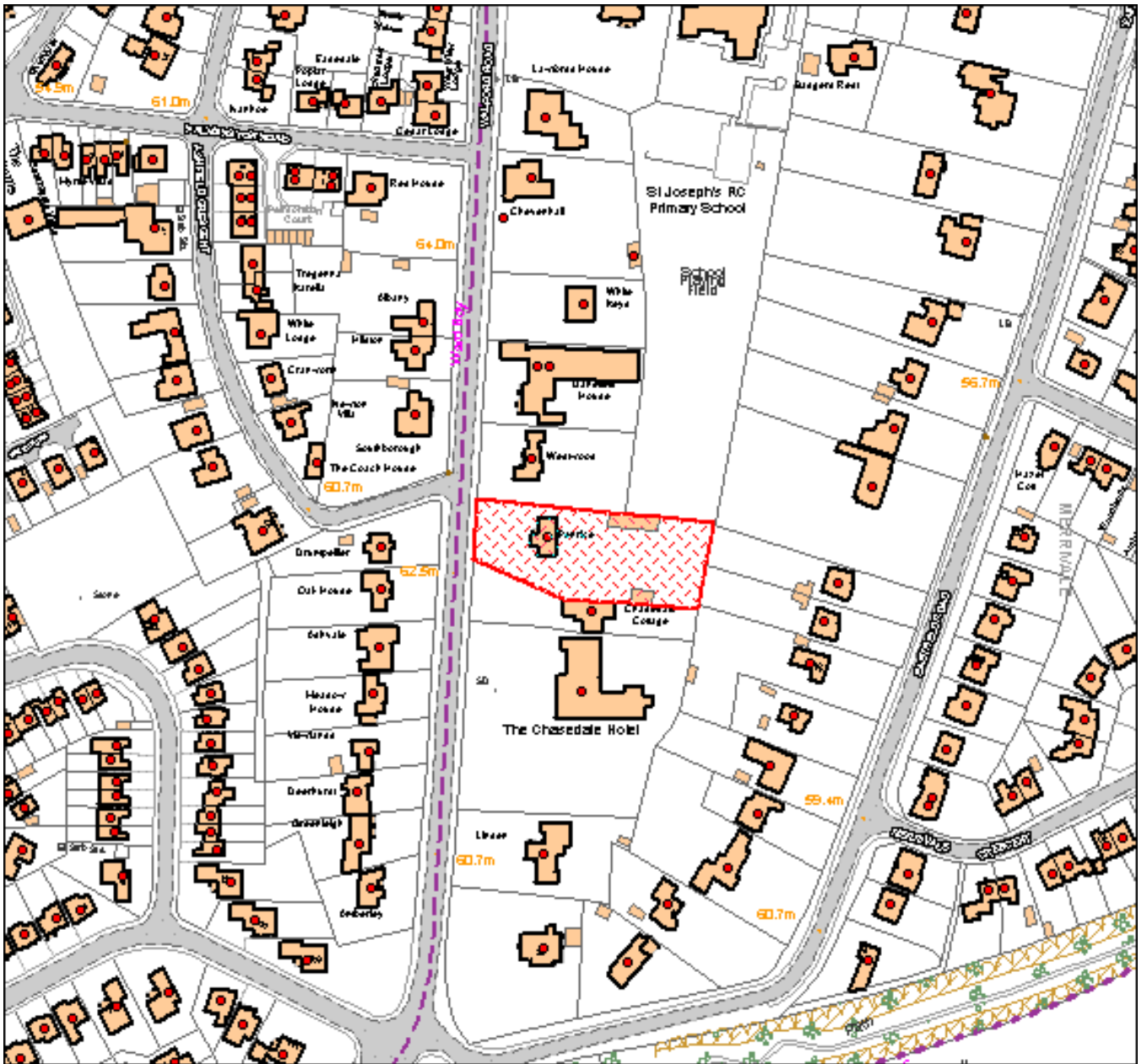
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DMSE/100399/F & DMSE/100400/C

SITE ADDRESS : PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ

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**DRAFT HEADS OF TERMS
PROPOSED PLANNING OBLIGATION AGREEMENT
SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990**

**REDEVELOPMENT OF EXISTING RESIDENTIAL PROPERTY TO FORM 14 NO.
APARTMENTS ASSOCIATED CAR PARKING AND LANDSCAPING**

PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE HR9 5PQ

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £23,436 for off-site highways works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Improvements to pedestrian crossings in the locality of the application site
 - b) Safe routes to School.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £11,291 for the improvement of play space in the vicinity.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £6,126 for the improvement of sports facilities in the vicinity.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £29,535 towards the provision of school capacity in the vicinity.
5. In the event that Herefordshire Council does not for any reason use the said contributions (in paragraphs reference above) 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.
6. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
7. All the financial contributions shall be Index-linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council.
8. The developer shall pay to the Council on or before completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.