

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>3 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<p><b>DMS/102061/F - DEMOLITION OF EXISTING RESIDENTIAL PROPERTY, CONSTRUCTION OF 8 NO. APARTMENTS, 3 NO. TOWN HOUSES WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS AT PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.</b></p> <p><b>DMS/102062/C - DEMOLITION OF EXISTING RESIDENTIAL PROPERTY, CONSTRUCTION OF 8 NO. APARTMENTS, 3 NO. TOWN HOUSES WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS AT PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.</b></p> <p><b>FOR: M F FREEMAN, RUARDEAN WORKS VARNISTER ROAD, DRYBROOK, GLOUCESTERSHIRE, GL17 9BH.</b></p>

**Date Received: 11 August 2010    Ward: Ross-on-Wye East    Grid Ref: 359823,223347**

**Expiry Date: 10 November 2010**

Local Members: Councillors PGH Cutter and AE Gray

## **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 garden 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 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 stone wall, 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 beyond mature planting that forms the boundary.

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Further information on the subject of this report is available from Mr S Withers on 01432 260612

- 1.4 The application follows a refusal of a scheme earlier this year and which is the subject of an undetermined appeal (DMSE/100399/F). The refused scheme included the demolition of the existing dwelling and proposed two separate three storey apartment blocks with a total of 14, 2 bed apartments. The ridge height of the refused apartment buildings was 10.3 metres. The refused scheme proposed a contemporary design approach but with a palette of materials intended to reflect the surrounding locality, including panels of red brick, render and glazing under a traditional slated roof with chimney stacks to provide vertical emphasis. The proposal was refused for the following reason:

*The proposed 3-storey apartments, by virtue of their detailed design, scale and massing, would represent an over-development of the site, would harm the character of the Ross on Wye Conservation Area, be out of keeping with the established character of the area and have an adverse impact on the amenity of adjoining residents. The proposal is thus contrary to Policies DR1, HBA6 and H13 of the Herefordshire Unitary Development Plan 2007.*

- 1.5 This proposal similarly is for the demolition of the existing dwelling but now proposes the erection of two buildings comprising a total of 11 units. An apartment block would be located on the front portion of the site and contains a total of 8, 2-bed apartments with a terrace of 3, 3 bed townhouses located to the rear. The accommodation in both buildings would be arranged over 3 floors. A Conservation Area Consent application covering the demolition of Penrice accompanies the planning application. The apartment 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 buildings.
- 1.6 Both buildings would have an overall ridge height of 8.8 metres (1.5 metres lower than the refused scheme and identical to the ridge height of the existing dwelling). This proposal also promotes a contemporary design but incorporates a more traditional roof form with gabled elements that reflect the character of the existing dwelling. The palette of materials is very similar to the refused scheme and incorporates coursed rubble stone, red brick, render, natural slate and glazing.
- 1.7 Chasedale Cottage and Westwood are the two dwellings in closest proximity to the application site. At it's nearest the apartment block would be 12 metres from Westwood and 8.4 metres from Chasedale Cottage. The townhouse element would be approximately 6 metres from Chasedale Cottage at its closest. The apartment and townhouse buildings occupy essentially the same footprint on the site as the refused scheme but the townhouse itself would be approximately 14.2 metres from the boundary with the rear gardens of the properties in Eastfield Road and some 56 metres from the nearest elevation of the properties. The rear facing element of the townhouse has no windows at second floor level, the dormer windows within the long sloping catslide roof being set at first floor and approximately 60 metres from the nearest windows in the neighbouring properties in Eastfield Road.
- 1.8 The application is accompanied by an, ecological report (Bat and Reptile Survey), Tree Survey and Arboricultural Assessment and a Heritage Statement/Conservation Area Appraisal.
- 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 the 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
	DMSE/100399/F & DMSE/10400/C	Demolition of existing residential property and construction of 14 no. apartments, associated car parking, landscaping and access.	-	Refused 12.05.10 Appeal lodged

## 4. Consultation Summary

4.1 Welsh Water : No objection subject to condition controlling the discharge of foul and surface water.

### Internal Council Advice

4.2 Conservation Manager: No objection, I was supportive of the original scheme and whilst this version contains explicitly traditional design elements, it retains a contemporary identity that has not fallen into the trap of pastiche.

4.3 Traffic Manager: No objection subject to conditions requiring appropriate visibility (2.4 metres by 90 metres), provision of footway, details of the driveway specification, closure of the

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Further information on the subject of this report is available from Mr S Withers on 01432 260612

existing access, provision of the proposed parking and turning area, wheel washing facilities, details of site operatives parking and secure cycle parking.

## 5. Representations

5.1 Ross Town Council: The Planning Committee's objection to the original application was on grounds of access. We note that the current application has fewer dwellings than the last application and there is a planning obligation allocation for road safety improvements in Walford Road and therefore we have no objections

5.2 15 letters of objection have been received from local residents, one accompanied by a 48 signature petition. The content of the letters is summarised as follows:

- The erection of the 3 storey apartment and townhouse 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. The loss of residential amenity and privacy is unacceptable.
- Development would result in the creation of a busy junction onto the already busy Walford Road. 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.
- 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.
- Permitting this development would result in an unwelcome precedent for similar redevelopment proposals that result in the loss of large gardens.
- No details concerning light noise, traffic movements and refuse storage.
- Heritage Statement contains inaccuracies about extension at Danefield House.
- Government guidance seeks to stop use of gardens for large scale residential development.
- This scheme is near identical to the one refused by Planning Committee.
- New access is complicated and will open up the site to the detriment of the conservation area.
- Site is within AONB and should fit in with the surrounding landscape.
- Limited provision for service vehicles.
- Permitting 3 storey development would set a dangerous precedent.

5.3 The response from the Herefordshire Branch of the CPRE can be summarised as follows:

- Emphasis is placed upon the revised PPS3 and specifically upon the comments of the Chief Planners statement that "there is no presumption that previously developed land is suitable for housing, nor that all the curtilage should be developed".
- The development will occupy most of the site.
- Height of the block will be visually obtrusive.
- Probable increase in traffic is a material consideration.
- Policies DR1, HBA6 and HBA7 contravened.
- Reference is made to the previously dismissed appeal on the site for one dwelling.
- Density, design, height and bulk of the dwellings seems out of character within this Conservation Area.

5.4 The response from the Wye Valley Society can be summarised as follows:-

- Height, density and bulk inappropriate in this part of the Conservation Area.
- This garden grabbing development will take up most of the site contrary to amended PPS3.

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- Likely land drainage problems.
- Would detract from the spacious garden setting of nearby residences within the AONB.
- Reference made to the Inspectors decision in dismissing an appeal for a single dwelling on the site.
- Demolition of the house conflicts with HBA6 and HBA7.
- Parking provision is insufficient leading to parking on Walford Road and conflict with vehicles and pedestrians.
- Same refusal reasons for previous scheme apply.

5.5 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 recent planning history of the application site revolved around establishing the principle of whether demolition of the existing inter-war detached dwelling (Penrice) and the residential redevelopment of this site is an acceptable one, and it is clear that the sensitive context of the location, in particular its location within the Ross-on-Wye Conservation Area, the Wye Valley Area of Outstanding Natural Beauty and its relationship with existing residential properties are key considerations in the determination of this revised application. As was the case previously, this is a joint report dealing with the requirement to obtain Conservation Area Consent for the demolition of the existing dwelling and the redevelopment of the site with 8, 2 bed apartments and 3, 3 bed townhouses.

6.2 Having regard to the recently refused applications for the redevelopment of the site, it is appropriate to focus primarily upon the reasons for refusal (the subject of an appeal to be considered by Informal Hearing in December) and to reconsider the impact of the revised development upon the character and appearance of the site and the surrounding locality as well as the implications for the privacy and amenity of residents living within the immediate vicinity of the site.

### Detailed Design, Scale and Massing within the Conservation Area

6.3 A number of objections suggest that this is a virtually identical scheme to the one that was refused but upon comparison it is clear that there are a number of significant changes that have been introduced to seek to overcome the grounds for refusal. The revised proposal promotes a total of 11 residential units (8, 2 and 3, 3 bed units) compared to the 14 2 bed units previously submitted and it is apparent that the scale and massing of the revised proposal has been reduced.

6.4 It is considered that the main change relates to the ridge height of the two buildings which at 8.8 metres are identical to the existing dwelling and 1.5 metres lower than the refused scheme. Furthermore the overall footprint of development has been reduced from 675 square metres to 609 square metres. However the building frontages remain fundamentally the same width as the refused scheme as does the format and disposition of the T-shaped apartment at the front of the site. It is worth mentioning that the width of the forward projecting and most visually prominent element of the apartment block is 9.6 metres compared to the 11.1 metres of Penrice, albeit that the set back element remains at 22.5 metres wide.

6.5 The design approach, although not the mix of materials, has also changed markedly and whilst it is considered to retain a contemporary appearance, it exhibits a far more traditional suburban character than the refused scheme. The apartment building now incorporates gabled and hipped roofs (rather than the pyramidal roof previously proposed) with dormers contained within the second floor. The use of glazing is more restrained and the omission of large balcony features further reduces the visual prominence of the building within the streetscene.

- 6.6 The townhouse element also represents a significant change from the refused scheme which in broad terms promoted two buildings of the same plan form. The revised proposal could be described as a modern terrace which presents a full 3 storey height to the parking courtyard (again 8.8 metres to the ridge) with a long catslide roof down to first floor level incorporating a series of dormers serving the first floor accommodation. By reason of its position at the rear of the site, its visual prominence in relation to public vantage points is negligible but in general terms the overall scale and mass of this building element is reduced from that which was refused.
- 6.7 Notwithstanding the comparisons between the proposed and refused schemes, it remains the case that this proposal as with its predecessor, is for development at a much larger scale than the dwelling that exists on the site. This however, is not in itself grounds for the refusal of planning permission. The key policy consideration is whether the proposal can be considered to preserve or enhance the character of the Conservation Area. In this context it is worth noting that the mature landscaping within the site will not be affected by the proposals, and most importantly the trees adjacent to the boundary with Walford Road and which compliment the attractive mix of planting and built development which contribute to the character of this part of the Conservation Area will be properly protected. Furthermore there are examples within the near vicinity of the site, such as the Chasedale Hotel, where a larger footprint and scale of building sits comfortably within the landscape setting and otherwise more modest mixed residential development.
- 6.8 On this issue it is considered that the mature landscaping together with the set back and more restrained elevational treatment of the apartment block in particular are such that the development in its revised form would preserve the essential spatial qualities that define the character and appearance of the Conservation Area and therefore accord with PPS5 and Policy HBA6 of the Herefordshire Unitary Development Plan. In the broader sense, and having regard to the AONB designation that covers much of Ross-on Wye and its environs, it is not considered that within this urban environment there would be any discernible impact upon the intrinsic landscape character of the surrounding area. Policy LA1 of the Herefordshire Unitary Development Plan is therefore satisfied.

#### Residential Amenity

- 6.9 The revised scheme incorporates a number of detailed design changes which combine to reduce the impact upon neighbouring occupiers. The key change, as identified above, is the 1.5 metre reduction in ridge height, which would generally reduce the perceived scale of the development from those properties that bound the site. Furthermore the extent of glazing and the use of external balconies has been curtailed. There are now no projecting balconies within the apartment building and only 3 proposed at second floor level on the inward facing front elevation of the townhouse.
- 6.10 The main concerns relating to residential amenity arising from the consultation exercise have been voiced from residents occupying the properties in Eastfield Road. In this respect, the reduction in height and change in design of the townhouse is of particular relevance. The first floor dormers in the rear elevation of the townhouse would be just under 60 metres from the nearest elevation of properties in Eastfield Road and the reduced ridge height (now over 65 metres distant) and long catslide roof now proposed is such that privacy standards are significantly exceeded and the concerns about overbearing impact have been satisfactorily addressed.
- 6.11 Chasedale Cottage, is most closely related to the proposed development but is located due south such that it will not be impacted by overshadowing and any associated loss of daylight/sunlight. The second floor window closest to this boundary would serve an ensuite bathroom and as such could be obscure glazed and it is also considered that the first floor study should be similarly treated so as to avoid any possible overlooking of this property.

Whilst no specific daylight/sunlight analysis has been produced for this scheme, on the basis that it is reduced in scale and located in the same position as the previous one, its conclusions are comparable and accordingly satisfactory living conditions would be retained

- 6.12 Westwood lies to the north of the apartment block and at a distance of some 12 metres from the flank elevation at its nearest. Again the reduction in ridge height serves to improve this relationship as does the removal of recessed balconies which previously necessitated the use of privacy screens. The result is a simpler elevation that has no windows in the side facing rear element and fixed and obscure glazing to the side facing windows and dormers. In this respect there would be no overlooking and whilst the increase in massing of the proposed development would be evident from the side and rear of Westwood, the principal rearward outlook would be retained and the general level of amenity would be within acceptable limits. Consideration has been given to the impact of the development on the properties on the opposite side of Walford Road and having regard to the 45 metre distance and interceding planting, it is concluded that there would be no material harm to the amenities of these properties.

#### Other Material Considerations

- 6.13 A number of objections refer to the revised content of PPS3 and the implications of the advice on “garden grabbing”. It is considered that whilst this updated guidance does reduce the pressure placed upon local authorities to approve higher density schemes on garden plots in terms of meeting nationally prescribed targets for housing delivery on previously developed land, it does not override the need to consider each case on its merits and in relation to locally adopted policies. In this case, the Unitary Development Plan contains relevant policies that should be given significant weight in any determination. These policies seek to protect areas and individuals from the impact of unacceptable development and in this case for the reasons set out above it is considered that the relevant policies are satisfied
- 6.14 Whilst not a reason for refusal of the previous scheme, concern continues to be expressed at the level of vehicular movements that will be associated with the erection of 11 units at this location on Walford Road given that it is a busy road, well used by vehicles and pedestrians alike.
- 6.15 The Traffic Manager has been involved in the formulation of the revised access and parking arrangements. There have been some very minor revisions to the access and driveway and it is considered that the means of vehicular access is acceptable in the context, with the requisite visibility splay. Likewise the parking provision of 19 spaces (6 dedicated spaces for the 3 bed townhouse and 13 for the 8 2 bed apartments) is considered acceptable, with a condition recommended to ensure that the parking areas and secure cycle stores are constructed prior to the first occupation of any of the units.
- 6.16 The draft Heads of Terms (Appendix 1) includes a contribution towards sustainable transport improvements in the locality, 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. It also makes provision for contributions towards play space and sports facilities and the improvement of educational facilities within the vicinity of the application site. These contributions are in accordance with the adopted Supplementary Planning Document: Planning Obligations and are agreed as appropriate by the relevant service areas.
- 6.17 The final matter to address is in the light of continued reference to the contribution that the existing dwelling makes to the character of the area. It is acknowledged that whilst as a single dwelling within a large garden cartilage, it reflects the prevailing grain of this part of the Conservation Area, it is not of such architectural or historic merit that it fulfils the test of a locally important building and as such its retention is not a fundamental prerequisite to the successful development of the site. Therefore whilst not a reason for refusing the previous

scheme, it is reiterated that subject to securing an acceptable redevelopment scheme, the principle of demolishing Penrice is an acceptable one.

- 6.18 In conclusion it is considered that the revised proposal, whilst attracting a similar and significant level of objections, responds positively to the reasons for refusing the previous scheme. Its detailed design has been made more traditional in approach and the scale and massing of the two elements has been reduced, most fundamentally by a 1.5 metres drop in height, the combination of which are considered to reduce the visual presence of the proposal within the streetscene. Further attention has been given to the relationship of the development to neighbouring properties and this has also reduced the extent of any overlooking and overbearing effects. Accordingly the planning application and associated application for Conservation Area Consent are recommended for approval.

## **RECOMMENDATION**

**In respect of DMS/ 02061/F:**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 B03 Amended plans**
- 3 B07 Section 106 Agreement**
- 4 C01 Samples of external materials**
- 5 H03 Visibility splays**
- 6 H02 Single access - footway**
- 7 H06 Vehicular access construction**
- 8 H08 Access closure**
- 9 H13 Access, turning area and parking**
- 10 H21 Wheel washing**
- 11 H27 Parking for site operatives**
- 12 H29 Secure covered cycle parking provision**
- 13 F17 Obscure glazing to windows**
- 14 G02 Retention of trees and hedgerows**
- 15 G04 Protection of trees/hedgerows that are to be retained**
- 16 G10 Landscaping scheme**

**Informatives:**

- 1 HN01 Mud on highway**
- 2 HN04 Private apparatus within highway**

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Further information on the subject of this report is available from Mr S Withers on 01432 260612

- 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 PP/LBC/CAC**

**In respect of DMS/102062/C:**

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

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

**Informative:**

- 1        **N15 Reason(s) for the Grant of PP/LBC/CAC**

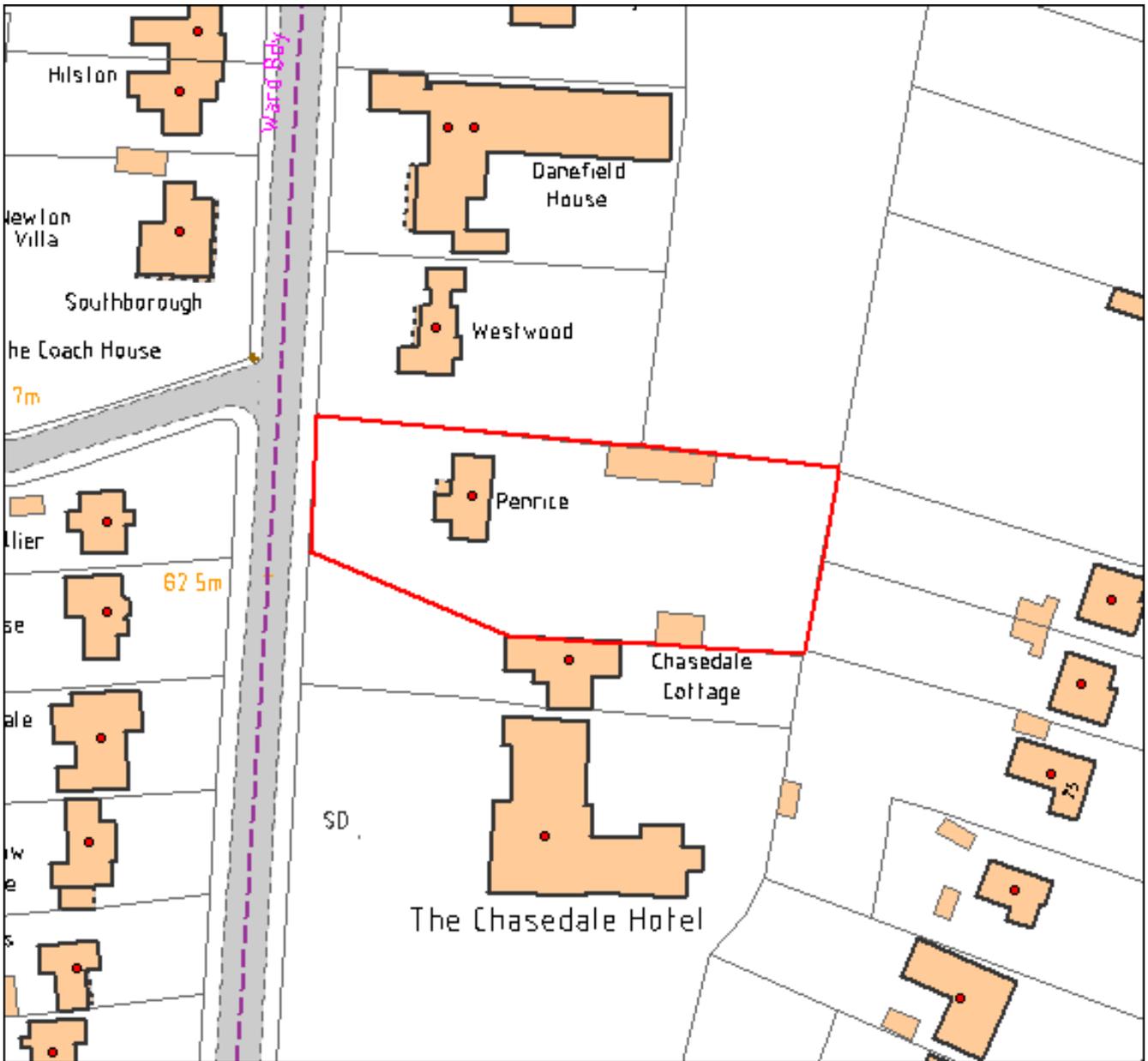
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NOS:** DMS/102061/F & DMS/102062/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**

Planning Application – DMS/102061/F

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008.

Demolition of existing residential property. Construction of 8 no. apartments, 3 no. townhouses with associated car parking, landscaping and access at Penrice, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £23,456 to provide enhanced educational infrastructure (at Ashfield Park, St Josephs & John Kyrle High School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £18,307 to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. The monies shall be used for the following purposes:-
  - a) Improvements to pedestrian crossings in the locality of the site.
  - b) Safe routes to school.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £9,939 and £5,166 for sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator respectively). The money shall be used by Herefordshire Council for the provision of to provide enhanced formal or informal recreational or public open space.
4. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5, 6 and 7 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
5. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the 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. 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.

Date:19/10/2010

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