

8 DCSE2004/4339/F - DEMOLITION OF EXISTING PETROL FILLING STATION AND ERECTION OF 16 NO. RESIDENTIAL APARTMENT DWELLINGS, FORMER PETROL FILLING STATION, GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA

For: First London Investment Group Ltd per Hook Mason, 11 Castle Street, Hereford, HR1 2NL

Date Received: 21st December 2004 Ward: Ross-on-Wye East Grid Ref: 60729, 24175

Expiry Date: 15th February 2005

Local Member: Councillor Mrs. C.J. Davis and Councillor Mrs. A.E. Gray

1. Site Description and Proposal

- 1.1 Planning permission was refused in October 2004 for the erection of 3 blocks of residential apartments providing 18 dwellings on the site of a former petrol filling station at the eastern end of Gloucester Road. This decision is the subject of an appeal which has not yet been determined. The reasons for refusal were as follows:

"The proposal would result in over-intensive development which would appear cramped and would harm the privacy of neighbours. As a consequence the proposal would conflict with Policies SH.14, SH.15 and GD.1 of South Herefordshire District Local Plan."

- 1.2 The current proposal is a revised scheme to provide 16 dwellings. There would be three blocks, as before: two set back but with the third block close to Gloucester Road. The main change is that the central building would contain only two storeys rather than three. The design of the buildings would be very similar to the earlier scheme. The fenestration of the east elevation of block 3 would be changed however. This faces a residential unit in the former Ashburton Inn and all but 3 ground floor windows originally proposed would be 'blind'. External materials would again be a mix of brick and render with plain clay tiled roofs. Car parking would be in front of the western two blocks and to the rear of the third, with the main amenity area to the rear of the former, as in the original application.

2. Policies

2.1 Planning Policy Guidance

PPG.3 - Housing

2.2 Hereford and Worcester County Structure Plan

Policy H.16 - Ross and Rural Sub-Area
Policy CTC.9 - Development Requirements
Policy CTC.18 - Development in Urban Areas

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy SH.14	-	Siting and Design of Buildings
Policy SH.15	-	Criteria for New Housing Schemes
Policy R.3A	-	Development and Open Space Targets
Policy SH.9	-	Balance of Housing Types
Policy T.3	-	Highway Safety Requirements
Policy T.4	-	Highway and Car Parking Standards
Policy 3	-	Infill Sites for Housing
Policy 4	-	Primary Residential Areas

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H.1	-	Established Residential Area
Policy H.2	-	Housing Land Allocations
Policy H.9	-	Affordable Housing
Policy H.13	-	Sustainable Residential Design
Policy H.14	-	Re-using Previously Developed Land and Buildings
Policy H.15	-	Density
Policy H.16	-	Car Parking
Policy H.19	-	Open Space Requirements
Policy RST.3	-	Standards for Outdoor Playing and Public Open Space

3. Planning History

3.1	SH930690PF	New petrol tanks, pumps, islands and canopy	-	Approved 28.07.93
	SE2001/2584/F	New underground storage tanks	-	Approved 28.01.02
	SE2004/2733/F	Demolition of existing petrol filling station and erection of 18 no. residential apartment dwellings	-	Refused 27.10.04 Subject to appeal

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objections in principle but recommends conditions requiring a contaminated land study and remediation.
- 4.2 Welsh Water requests that conditions be imposed regarding a comprehensive and integrated drainage scheme. The site is crossed by a public sewer.

Internal Council Advice

- 4.3 Traffic Manager recommends that conditions be attached if planning permission is granted.
- 4.4 Head of Environmental Health recommends conditions to deal with contamination and restriction on hours of construction. It is pointed out that as the underground fuel tanks have been filled with foam there may be problems with load-bearing of foundations.

5. Representations

5.1 The applicant's agent points out the following:

- the application ostensibly follows the principles as previously agreed with you for the previous application
- however in recognition of the stated reason for refusal of the previous application we have reduced Block 2 to 2-storey height and reduced Block 3 to 2-storeys in height, albeit that accommodation is included within the roof space of that block.

5.2 Town Council has no objections but regret the loss of the petrol filling station. The new buildings might overload the services of existing houses.

5.3 Six letters have been received expressing objections to the proposed development. In summary the reasons given are as follows:

- although the changes to the central block are noted this would still be an over-intensive use of the site, with too high a density resulting in "congestion onto and from the site, no private personal space for a large number of families, etc"
- all three buildings are large, monolithic and out of scale with surroundings - eastern block especially which is higher than anything else in the vicinity even though some units are in roof slope
- as a consequence this development would be totally inappropriate and out of keeping with surrounding properties and have a detrimental impact on them
- the western block (next to Rowancroft) should be built at ground level not on raised ground, as Planning Committee recommended, and would not then be higher than the other blocks. Questioned when central block is higher than northern block even though latter on raised ground
- numerous windows overlook Weston Grove properties resulting in serious loss of privacy and gardens would be overlooked by southern (tallest) block
- light would be blocked to adjoining properties, as would views of Chase Woods
- loss of large tree regrettable
- insufficient car parking would result in extra parking along Gloucester Road which is already overcrowded and will get worse as restrictions are proposed for on-street parking in Smallbrook Road
- drainage problems: system already overloaded so that raw sewage overflows drains in Weston Grove; noted that 2 bed units have 3 bathroom suites!
- what provision for future maintenance of parking/communal areas?
- no access to service electricity cable to rear of site or for emergency vehicles
- harm security - bike bays used to climb fence
- loss of rear access to Weston Grove properties
- reduce property values
- several suggestions made:
 - (i) two 2-storey blocks only, one turned end on to road, and no larger than smaller (central) block
 - (ii) northern block should be at ground level
 - (iii) include a maintenance/service agreement in perpetuity for communal areas.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The site is in a primarily residential area and residential development of this site is therefore appropriate and acceptable in principle. The earlier scheme was refused permission not because it was for residential purposes but because it would be cramped and over-intensive development which would harm the amenities of adjoining residents.
- 6.2 The central block has been significantly reduced in height and now would not contain a third storey. This would significantly reduce the scale of this building and the visual impact of the overall development in the street scene. The eastern block would be the largest but like the adjoining building (former Ashburton Inn) has lower and higher sections of comparable height, nor is not significantly wider. The massing of this new building would not be dramatically different to the former Inn, nor significantly closer to Gloucester Road. The reduction in number of units from 18 to 16 would allow some greater scope for landscaping as few parking spaces would be required. Taking these changes as a whole it is considered that they are sufficient to ensure that the development would not be so cramped or over-intensive as to justify refusing planning permission.
- 6.3 The problem of inter-looking between windows in the side of this block and the adjoining residential unit would be overcome by the omission of first floor windows and provision of screen fence along the boundary; the latter could be required by a planning condition. The new buildings would be the same distance (about 10m) from the boundary to the properties in Weston Grove, although the omission of the second floor in the central block would reduce the number of units and windows which look towards those properties. It is considered that the scheme complies with generally accepted standards for spaces between dwellings.
- 6.4 In view of the above it is concluded that there are insufficient grounds to refuse this revised scheme.

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. B01 (Samples of external materials)

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

3. G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

4. G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

5. G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

6. F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

7. H03 (Visibility splays)

Reason: In the interests of highway safety.

8. H14 (Turning and parking: change of use - domestic)

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

9. H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

10. Before the occupation of any dwelling hereby approved, an infants play area shall be provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure appropriate provision of amenity space and facilities.

11. Development approved by this planning permission shall not be commenced unless:

- a) A desk top study has been carried out which shall include the identification of previous site use, potential contaminants that might reasonably be expected given those uses and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
- c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.

- d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health.

12. The development of the site should be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

14. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and report shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

15. W01 (Foul/surface water drainage)

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

16. W02 (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.

17. W03 (No drainage run-off to public system)

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

18. No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water,

surface water and land drainage will be dealt with and this has been agreed in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

Informative(s)

- 1. HN05 - Works within the highway
- 2. HN10 - No drainage to discharge to highway
- 3. HN19 - Disabled needs
- 4. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.