

**12 DCSE2005/1768/F - DEMOLITION OF EXISTING PETROL FILLING STATION AND ERECTION OF 18 NO. RESIDENTIAL APARTMENT DWELLINGS AT FORMER PETROL FILLING STATION, GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA**

**For: First London Investment Group Ltd per Cunnane Town Planning, 67 Strathmore Road, Teddington TW11 8UH**

**Date Received: 2nd June, 2005    Ward: Ross-on-Wye East    Grid Ref: 60729, 24175**

**Expiry Date: 28th July, 2005**

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

**1. Site Description and Proposal**

- 1.1 Planning permission was refused on appeal in April 2005 for the erection of 18 residential apartment dwellings on the site of the former Texaco petrol filling station in Gloucester Road, Ross on Wye. The reason for refusal by the Council was 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 SH14, SH15 and GD1 of South Herefordshire District Local Plan.”

A copy of the Inspector's decision notice is included as an appendix to this report. In paragraph 7 he refers to the gardens of the adjoining houses in Weston Grove being "overlooked and the amenity they provide being impaired". This was the only substantive objection to the proposal, in the Inspector's opinion.

- 1.2 The Inspector took into account that a revised scheme for 16 apartment dwellings had been granted permission (March 2005). This differed from the appeal scheme principally in the reduction in size of the central of the 3 blocks (Block 2), from 3 storeys to 2 storeys and in the height of the eastern block (Block 3). The number of rooms in the central block with windows facing Weston Grove increased from 3 bedrooms and one bathroom to 3 bedrooms, one study and one bathroom. The reduction in the number of units resulted from the omission of the third storey of this block. Other significant changes in the eastern block (Block 3) included the omission of windows, above ground floor level in the eastern elevation.
- 1.3 The current scheme seeks to address the Inspector's concerns. The eastern block would be as in the second scheme; the central block would revert to 3 storeys but the second floor windows in the rear elevation would be omitted except for two small bathroom windows and the window lighting the staircase. The bathroom windows would be glazed with obscure glass. Internally these extra apartments would be arranged so that in one apartment the bedroom was lit from the south (Gloucester Road) elevation and in the other from the east (side) elevation.

**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 - Appeal dismissed 27.04.05
- SE2004/4339/F Demolition of existing petrol filling station and erection of 16 no. residential apartment dwellings. - Approved 16.03.05

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water recommend that conditions be imposed.
- 4.2 Environment Agency's response is awaited.

##### Internal Council Advice

- 4.3 Traffic Manager's response is awaited.

#### 5. Representations

- 5.1 The applicant's agents makes the following submissions:

- (1) the current application addresses the only issue of concern raised by the Inspector,
- (2) the principle of redevelopment is accepted by both the Council and the Inspector,
- (3) furthermore the scale and bulk of the proposal is acceptable, the local planning authority having granted permission for a similar scheme (SE2004/4339/F),
- (4) regarding the character of the area paragraph 4 of the decision letter is quoted and it is pointed out that as the current scheme would have the same layout it would meet local and national objectives of making best use of land without harming the character of the area,
- (5) on the impact upon adjoining properties paragraph 5 is quoted, which concludes that the scheme would not be out of scale or over-dominate part of the Gloucester Road frontage and it is pointed out that this scheme is the same height and scale,
- (6) on overlooking paragraph 7 is quoted and it is pointed out that Block 2 [central block] has been revised to provide bathrooms in second floor elevation facing Weston Grove which will be obscured glazed and high level opening. Therefore no overlooking can occur, which addresses satisfactorily the only issue raised by the Inspector.

- 5.2 The Town Council considers there are too many dwellings proposed for this site.

- 5.3 Two letters have been received objecting to the proposal on the following grounds:

- (1) This proposed development of 18 residential apartment dwellings is out of keeping with the other properties in the area.
- (2) This development will have a detrimental effect on the value of the surrounding properties.
- (3) The proposed development is totally out of keeping for the entrance to a town.
- (4) We would not have any objection if two-storey housing were proposed for this site.
- (5) Surprised and dismayed at 3-storey block – residents of Western Grove would now be faced with a large expanse of blank wall on the third storey.

- (6) Block 2 is not same height as Blocks 1 & 3 contra application form.
- (7) Could third storey be in roof area as in Block 3?
- (8) Cycle bay and parking at rear would stop access by emergency vehicles.
- (9) Applicants ignoring previous planning decisions, views of local residents and aesthetics of area just to gain 2 more apartments.

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 Inspector concluded that the proposed development (SE2004/2733/F) would not be over-development, detract from the street scene and harm the amenities of neighbours except in one respect. He considered the separation distance (about 10m.) between the rear of the central block and the gardens of houses in Weston Grove would be acceptable at 2-storey (as in the scheme approved by the Council viz SE2004/4339/F) but "the additional level of accommodation proposed for Block 2 would increase the potential for overlooking to an unacceptable extent...this is only substantive objection to the proposal"
- 6.2 The Inspector's decision letter is a material consideration and must be taken into account in determination of this current application. The Inspector did not consider the height of Block 2 to be unacceptable per se but only in that it would result in a significant loss of privacy. The re-design of the scheme would ensure that there would be no overlooking from second floor windows in the rear elevation. This could be ensured by appropriate planning conditions. The windows in the side (east) elevation would still overlook Weston Grove but from further away (about 12m. of the nearest rather than 10m.) and at an angle as the windows are orientated at 90° to the rear boundary. Thus taking an angle of 45° from the middle of the bedroom window in the side elevation the nearest garden in Weston Grove would be about 16m. away. The Inspector did not indicate what a suitable distance would be except that at first floor level 10 m. was adequate. It is considered that the extra distance and less direct angle of vision are sufficient to protect the amenities enjoyed by residents of Weston Grove.

## **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 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.

19. Prior to the occupation of any dwelling a management plan, to include proposals for the long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the areas of open space, play area and car parking areas shall be submitted to and approved by the local planning authority. The management plan shall be carried out as approved.

Reason: In order to ensure that the use and maintenance in perpetuity of the open space is assured.

20. Notwithstanding the approved drawing no. 4833-1-13a the bin store shall not be sited as shown but in accordance with details of siting and design which have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the occupation of the buildings.

Reason: In the interests of safe and free flow of traffic on the highway.

21. E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

22. E19 (Obscure glazing to windows)

Reason: In order to protect the residential amenity of adjacent properties.

**Informatives:**

1. N15 - Reason(s) for the Grant of Planning Permission.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.