

6 DCSE2006/2206/F - ERECTION OF 9 APARTMENTS AND ASSOCIATED PARKING, THE CHASE HOTEL, GLOUCESTER ROAD, ROSS-ON-WYE, HR9 5LH.**For: Camanoe Estates Limited per Pegasus Planning Group, 5 The Priory, Old London Road, Canwell, Sutton Coldfield, B75 5SH.****Date Received: 10th July, 2006 Ward: Ross-on-Wye East Grid Ref: 60286, 23921****Expiry Date: 4th September, 2006**

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

1. Site Description and Proposal

- 1.1 This proposal was reported to the Sub-Committee on 30th August, 2006 but a decision was deferred so that Members could visit the site. The site was visited on 12th September, 2006.
- 1.2 Planning permission for the erection of two apartment blocks in the grounds of The Chase Hotel was refused in April 2005 for the following reason:

The proposed development would intrude into this small landscaped park and thereby erode its open character and the parkland setting of The Chase Hotel. The private open space is an important visual component of the Ross on Wye Conservation Area and the development would consequently harm the character and appearance of the Conservation Area. The proposal conflicts therefore with Policies C23, C30, SH14, SH15, 3, 5, and 20 (Part III) of the South Herefordshire District Local Plan.

The subsequent appeal was dismissed (see Appendix for Inspector's decision letter).. The current application is for the erection of one of the two apartment blocks (Block A of the dismissed proposal).

- 1.2 The Hotel occupies a large site of about 6 ha situated close to the town centre. The main hotel building is located towards the west side of the site, with the access drive and parking area to the north and east and a formal garden immediately to the south. The main part of the site, east of the parking area, is parkland with scattered trees, a wider belt of trees along the southern and eastern boundaries of the site and a line of trees along the northern boundary. Two ponds and a stream lie close to the eastern boundary. Most of the trees are covered by a Tree Preservation Order. The hotel grounds are surrounded by residential properties and are within Ross-on-Wye Conservation Area.
- 1.4 The three-storey block now proposed would be sited about 18m to the south of the three-storey modern extension to the hotel. It would be of irregular shape and in a style intended to complement the original building that now forms the northern section of the hotel, with rendered walls, hipped slate roofs and white sliding sash-type windows. Each of the 9 apartments would have 3 bedrooms.

- 1.5 The apartment block would occupy an area currently terraced lawns. New car parking would be provided (12 spaces) by extending the hotel drive southwards and forming a hard surfaced area to the east of the new apartment block. The remainder of the hotel grounds would not be changed, maintaining the hotel's parkland setting.

2. Policies

2.1 Planning Policy Guidance

PPS.1	-	Planning Policy and Principles
PPG.3	-	Housing
PPG.15	-	Planning and the Historic Environment
RSS	-	Regional Spatial Strategy for the West Midlands

2.2 Hereford and Worcester County Structure Plan

Policy CTC.1	-	Area of Outstanding Natural Beauty
Policy CTC.7	-	Development and Features of Historic and Architectural Importance
Policy CTC.9	-	Development Criteria
Policy CTC.15	-	Conservation Areas
Policy CTC.17	-	Creation and Conservation of Green Open Spaces
Policy CTC.18	-	Use of Urban Areas for Development

2.3 South Herefordshire District Local Plan

Part 1

Policy C.4	-	AONB Landscape Protection
Policy C.5	-	Development within Areas of Outstanding Natural Beauty
Policy C.17	-	Trees/Management
Policy C.20	-	Protection of Historic Heritage
Policy C.23	-	New Development affecting Conservation Areas
Policy C.30	-	Open Land in Settlements
Policy GD.1	-	General Development Criteria
Policy TM.1	-	General Tourism Provision
Policy SH.14	-	Siting and Design of Buildings
Policy SH.15	-	Criteria for New Housing Schemes

Part 3

Policy 2	-	New Housing Developments
Policy 3	-	Infill Sites for Housing
Policy 5	-	Housing in Built-up Areas
Policy 16	-	Conservation Area
Policy 20	-	Open Space

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy P.1	-	Sustainable Development
Policy P.7	-	Environment Protection and Enhancement
Policy P.8	-	Sustainable Land Use and Management
Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.3	-	Housing
Policy S.7	-	Natural and Historic Heritage
Policy DR.1	-	Design
Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy HBA.6	-	New Development within Conservation Areas

Policy HBA.9	-	Protection of Open Areas and Green Spaces
Policy H.1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H.13	-	Sustainable Residential Design

3. Planning History

3.1	SH861345PO	Erection of 13 houses	-	Refused 18.02.87
	SH861355PO	Erection of sheltered housing (62 flats) and wardens house	-	Refused 18.02.87
	SH861356PO	New conservatory link, ballroom, conference facilities, 24 suites, dining room and entrance	-	Permitted 18.02.87
	SH911084PF	Addition to restaurant	-	Permitted 01.08.91
	SH950403PF	Change of use to staff accommodation	-	Refused 23.07.92
	SH980237PF	14 bedroom extension and retail store	-	Refused 09.09.98
	SE2001/2070/F	New offices	-	Withdrawn
	SE2001/2145/F	Residential dwelling and garage	-	Withdrawn
	SE2002/0008/F	Bedroom extension and leisure complex	-	Permitted 06.03.02
	SE2002/0522/F	Residential dwelling	-	Permitted 31.07.02
	SE2002/0527/F	New offices	-	Permitted 31.07.02
	SE2002/3511/F	3 apartment buildings (24 apartments)	-	Withdrawn
	SE2003/3240/F	2 apartment buildings (18 apartments)	-	Refused 16.12.03
	SE2005/0355/F	Erection of 18 apartments	-	Appeal dismissed 04.04.06
	SE2005/3142/F	Erection of 6 apartments	-	Withdrawn

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage do not wish to offer any comments on this occasion and recommend that the application be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.
- 4.2 Welsh Water recommend that conditions be included regarding drainage of the site.
- 4.3 Environment Agency has no objections in principle but recommends conditions to protect the groundwater from pollution.

Internal Council Advice

- 4.4 The Traffic Manager recommends that parking provision be increased to 14 no. spaces (in line with current design guide for 9 no. three-bed dwellings), i.e. average maximum rate of 1.50 spaces per unit for the development.
- 4.5 Conservation Manager 'appreciates that this is a re-submission of part of the previous application that was subject to appeal. In view of the elevations showing this development in relationship to the existing buildings, which were part of the appeal documents, and being mindful of the Inspector's report and findings in relationship to this particular block, I have no objections to the submitted scheme.' It is recommended that a condition be imposed requiring an archaeological survey.

5. Representations

5.1 The applicant points out that:

- (1) the building of an hotel extension and leisure centre has been shown by market research not to be viable at the present time
- (2) the apartment will offer the hotel greater viability and fulfil a much needed facility in Ross where large apartments are extremely scarce.

5.2 Both Planning and Design Statements have been submitted with the application. The Conclusion of the Planning Statement is as follows:

- National and local planning guidance seeks to promote the efficient use of land and encourages development on previously developed land as defined in Annex C of PPG.3
- the proposed apartment building would provide residential development, which is within close proximity to the town centre providing access to services and public transport facilities. As such the proposal will minimise the need to travel by car and is therefore in line within the objectives of sustainable development
- discussions with the authority and English Heritage having taken place. English Heritage have confirmed that the proposed building at this location would be appropriate and therefore would not impact on the openness of the site, or cause harm to the character of visual amenity of the Conservation Area
- the proposed development would not adversely affect the visual amenity of the open land within the site and as such would not conflict with Policy C.30 which seeks to protect open land within settlements
- the proposal would comprise of a windfall site and is therefore in accordance with Policy SH.5 of the plan. The site is situated in a wholly sustainable location and represents the sort of site which the Government would wish to see maximised for residential purposes
- the proposal for the site will deliver a high quality residential environment which would preserve the character and appearance of the Conservation Area, thus complying with the criteria set out in Policy C.23
- the consent for a building located in the same position as this application, establishes the principle of new development at this site
- the retention of the mature trees along the boundaries would continue to screen the site and would limit visibility from outside
- the siting of the proposed apartment building within close proximity to the existing built form is considered appropriate given that a previous application at this location has been approved. This would therefore suggest that development at

this particular location would not impinge on the openness of the site and would retain and enhance the setting of the hotel building

- this application is identical in part to a recent appeal scheme which was considered by a Planning Inspector at Inquiry. He concluded that this block would be appropriate in terms of its relationship with the existing hotel buildings. The siting was also deemed acceptable and will not have an adverse impact on the Conservation Area and the open parkland setting of the hotel.

5.3 The design is described in the following terms:

1. The existing hotel as already described consists of the original two-storey dwelling with a large full three-storey element added at a later time which includes most of the hotel bedrooms. The proposed apartment block has been designed to sit at the southern end of the hotel beyond the existing hotel bedroom block.
2. The block is three storeys and is intended to be read with the three-storey hotel section of building but separated from it by a shared garden area.
3. The block is designed to give where possible good views over the adjoining parkland and both have been sited to preserve the views across the open parkland to the hills in the distance from the public domain.
4. The block has been sited on the approximate location for the large leisure centre which has already gained a planning consent. Clearly when the apartments are built it would not be possible to build the leisure centre and the one would replace the other.
5. The car parking for the block is provided at 150% giving 12 spaces, which are located in front of the block within the boundary of the car park that was approved for the leisure complex.
6. The existing parking and landscape would be largely retained and the new buildings are intended to sit well with the hotel complex and for all intents and purposes look like additional hotel accommodation.
7. There are only limited views in from outside the site especially from the adjoining streets. The building has been designed to sit within the site so that it does not influence the views into the site and as such do not detract in any way from the feeling of openness currently enjoyed by the passer by.
8. The open space around the building is fully preserved and it will have no adverse effect on the open space or the conservation area.

5.4 17 letters have been received objecting to the proposal. In summary the stated reasons are:

1. Contrary to current policies (C.23, C.30, SH.15 and no. 3 and 5 (Part 3) of Local Plan and HBA.9 of emerging UDP) which protect The Chase Hotel from development; UDP Inquiry Inspector supported this: 'I do not consider use as a housing site would be acceptable' and 'There is inadequate justification for allocation of the site within the UDP' - his decision overrides the appeal inspector.
2. Full and fresh analysis of relevant planning policies is required, e.g:

- S1 (UDP) mixed uses are favoured “subject to amenity considerations which respect development potential of adjoining land” – proposal would remove potential for further development of hotel for leisure and tourism and associated employment opportunities
 - DR2 (UDP) also seeks to limit development that would harm the amenity or continued use of adjoining land or building or constrain future development of adjoining sites.
 - UDP para 4.5.28 states overall aim to ensure that “noise sensitive developments such as housing....located away from...significant noise sources”.
 - HBA9 (UDP) & C30 protect the whole site
 - GD1 (SHDLP) requires development to be appropriate to setting of neighbouring buildings and open spaces
 - C5 (SHDLP) development favourably considered only if essential to meet local community needs.
3. Once this is allowed a precedent will be set and development will spread to fill the entire grounds (housing or a supermarket!) Policy 3 (Part 3 SHDLP) does not apply to Chase Hotel grounds.
 4. Occupiers extremely likely to object to noise from various functions - serious problem now to local residents living much further away and would soon result in hotel being converted into further apartments. Conflict between hotel is commercial activities and occupants of apartments – totally inappropriate mixed use.
 5. The Conservation Area should not be subject to further development, which appears to be the long term plan.
 6. Intrude into this small landscaped park and thereby erode its open character and the parkland setting of The Chase Hotel. This private open space is an important component of the Conservation Area and development would consequently harm the character and appearance of the Conservation Area. Also it would destroy an Area of Outstanding Natural Beauty and obliterate views of Chase Woods and Penyard.
 7. Frequent attempts in past to put housing on site have all met with refusal, establishing a non-development policy.
 8. Extension to hotel and leisure complex has quite reasonably been approved but not built - do not agree with applicant that this means that development permission has been established nor that appeal inspector's view should mean that current proposal be allowed. No intention to build leisure building – a ploy to pursue residential development.
 9. Many apartment blocks now being built (Station Street and Texaco Garage, Gloucester Road) plus large mixed development at Vine Tree Farm, so no urgent need for more apartments. Will not contribute to meeting housing needs of town. Housing land supply situation should certainly be a material consideration in determining this application.

10. Harmful effect on abundant wildlife and loss of trees - a unique green space that Government guidelines encourage us to maintain; last piece of greenery within the town. Impact on wildlife should be properly assessed.
 11. Eyesore to residents living opposite.
 12. Exacerbate traffic chaos in Ross. Increase noise and traffic disturbing hotel guests and local residents.
 13. Health facilities already overstretched.
 14. Sewerage problems.
- 5.5 Five letters have been received in support of the scheme, citing the following:
1. Much needed as sizeable population of retired and elderly who would appreciate or need smaller, more centrally located and secure accommodation, in particular would suit retired professionals for which there appears to be no provision, and ensure such residents could remain in Ross.
 2. Design is elegant and sympathetic and will blend in with its surroundings.
 3. Minimal effect on local environment as no trees will be felled, none of the wildlife would be threatened and position of apartments will not affect the views from Gloucester Road.
 4. Local shops and businesses should benefit from increased trade.
 5. On-site parking would be provided so will not add to congested state of Ross' streets.
 6. Previous application refused on somewhat spurious grounds and hope common sense will now prevail - permission already granted on the site and merely a change of use.
 7. Can only enhance the town, bringing more visitors which benefits the whole community.

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. Officer's Appraisal

- 6.1 This proposal is a resubmission of Block A of the appeal proposal and in siting, massing and design is identical. A specific car parking area has been added to the scheme. Taking into account the Council's reasons for refusal (see paragraph above) the appellant's case and third party representations, the appeal Inspector considered that the main issue was the effect on the character and appearance of The Chase Hotel and its surroundings, having regard to the location of these areas within the Ross-on-Wye Conservation Area. The representations received in relation to the current proposal do not raise significantly different matters to those fully considered by the appeal Inspector and this issue is therefore equally relevant.

- 6.2 The Inspector's conclusions are a material planning consideration. In relation to Block A he found the following:

'I accept, and there is no dispute between the main parties, that the proposed blocks would be of a scale and appearance compatible with the same attributes of the existing hotel and its rear extension. Block A whilst at the same general elevation as the hotel would also appear relatively inconspicuous in its location in the top corner of the site diagonally opposite the point on Gloucester Road from which clear views would be possible. Block A would be built at generally the same level as the hotel, to a height compatible with the existing building, and would be seen from Gloucester Road as a visible but well-integrated extension to the built development on the plateau on which the hotel stands.

Accordingly I am satisfied that Block A would be acceptable in its relationship with the hotel and in the view from Gloucester Road, would not materially change the relationship between the built environment on the plateau and the open parkland which slopes away from it, and would thus serve to preserve the character and appearance of the Ross-on-Wye Conservation Area.'

His conclusions regarding the other Block (B) which would be sited to the south-east of the hotel building were:

With regard to Block B, a 2/3 storey apartment block that would be sited to the south-east of the hotel, he concluded that it 'would unacceptably harm the appearance and open character of the appeal site, and given the degree to which the site is an important influence on the general character of and views within the wider area, would serve neither to preserve nor enhance the character and appearance of the Conservation Area. It follows that the appeal proposal would be contrary to RSS Policy QE.5, Structure Plan Policies CTC.7, CTC.15, CTC.17 and CTC.18, Local Plan Policies GD.1, C.20, C.30 and 5 (Ross-on-Wye), and draft Policies P.7 and S.7 of the emerging UDP.'

On the basis of his conclusions regarding Block B he dismissed the appeal.

- 6.3 It is clear that to the Inspector Block A was acceptable in design, siting, relationship to The Chase Hotel and with regard to its effect on the open character of the appeal site and consequently on the character and appearance of the Conservation Area. In comparing Block A with an earlier planning permission for an hotel extension/leisure complex he notes that the block would occupy part of the same area, although it would be higher and extend further into the tree-bordered south-west corner of the appeal site. He continues: 'However, I have already determined that Block A would be acceptable on its own merits' (paragraph 23).
- 6.4 In addition to the main issue the Inspector also reviewed the effect on the Wye Valley Area of Outstanding Natural Beauty, drainage, parking, access and highway considerations but did not consider that there would be material harm and that appropriate conditions would resolve any residual issues.
- 6.5 At the time of the appeal many of the relevant UDP policies were subject to objections and the appeal Inspector could give them only limited weight. Since then the report into objections has been published and greater significance can be attached to these policies. Most relevant to the current case are the Inquiry Inspector's conclusions regarding objections that The Chase Hotel should be allocated for housing and Policy HBA.9 (Protection of Open Areas and Green Spaces). In response to the suggestion

that The Chase Hotel should be allocated for housing he concludes that there is inadequate justification in view of the area's importance to the setting of the hotel and the character and appearance of the Conservation Area. He finds that 'any significant redevelopment ... is likely to have a material effect upon the protected open area and green space and character and appearance of the Conservation Area.' However, this does not rule out minor development which does not have those adverse consequences.

- 6.6 The Inquiry Inspector recommends that Policy HBA.9 not be modified and that the designation of The Chase Hotel under that policy be retained. This policy 'seeks to protect open land valued locally for its open nature and its contribution to the character of settlements and neighbourhoods' (paragraph 9.6.29 of Revised Deposit Draft UDP). However, neither Inspector appears to construe the open areas protection policies as placing a total embargo on all development. In the current case the apartment block would occupy a small percentage of the open space, close to existing buildings and would not intrude into views of that open space or adversely affect the sense of openness and greenery that The Chase Hotel grounds provide. As a consequence I consider that the proposal would preserve the character and appearance of Ross-on-Wye Conservation Area.

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. F16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents.

- 6. E16 (Removal of permitted development rights)**

Reason: To protect the parkland character of The Chase Hotel grounds.

- 7. F32 (Details of floodlighting/external lighting)**

Reason: To safeguard local amenities.

- 8. 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.

9. F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

10. W01 (Foul/surface water drainage)

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

11. 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.

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

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

13. If during development, contamination (visual or olfactory) 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, a Method Statement. The Method Statement must detail how this unsuspected contamination shall be dealt with. Thereafter development of the site shall 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 water environment.

14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

15. Notwithstanding the approved drawings, 14 car parking spaces shall be provided in accordance with details which have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

16. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities, as approved pursuant to condition no. 15 above, have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in

writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

17. DO1 (Site investigation – archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

18. F41 (no burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

Informative(s):

1. Environment Agency advises that:

- 1) In terms of surface water, roof water drainpipes should be connected to the drainage system either directly or by means of back inlet gullies provided with sealing plates instead of open gratings. Soakaways should only be used in areas on site where they would not present a risk to groundwater.
- 2) The developers should adopt all appropriate pollution control measures, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at the specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

2. Welsh Water advises that two public sewers cross the proposed development site. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the 305mm public combined sewer and 3.5 metres either side of the centreline of the 687mm public combined sewer.

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

4. N19 – (For the avoidance of doubt)

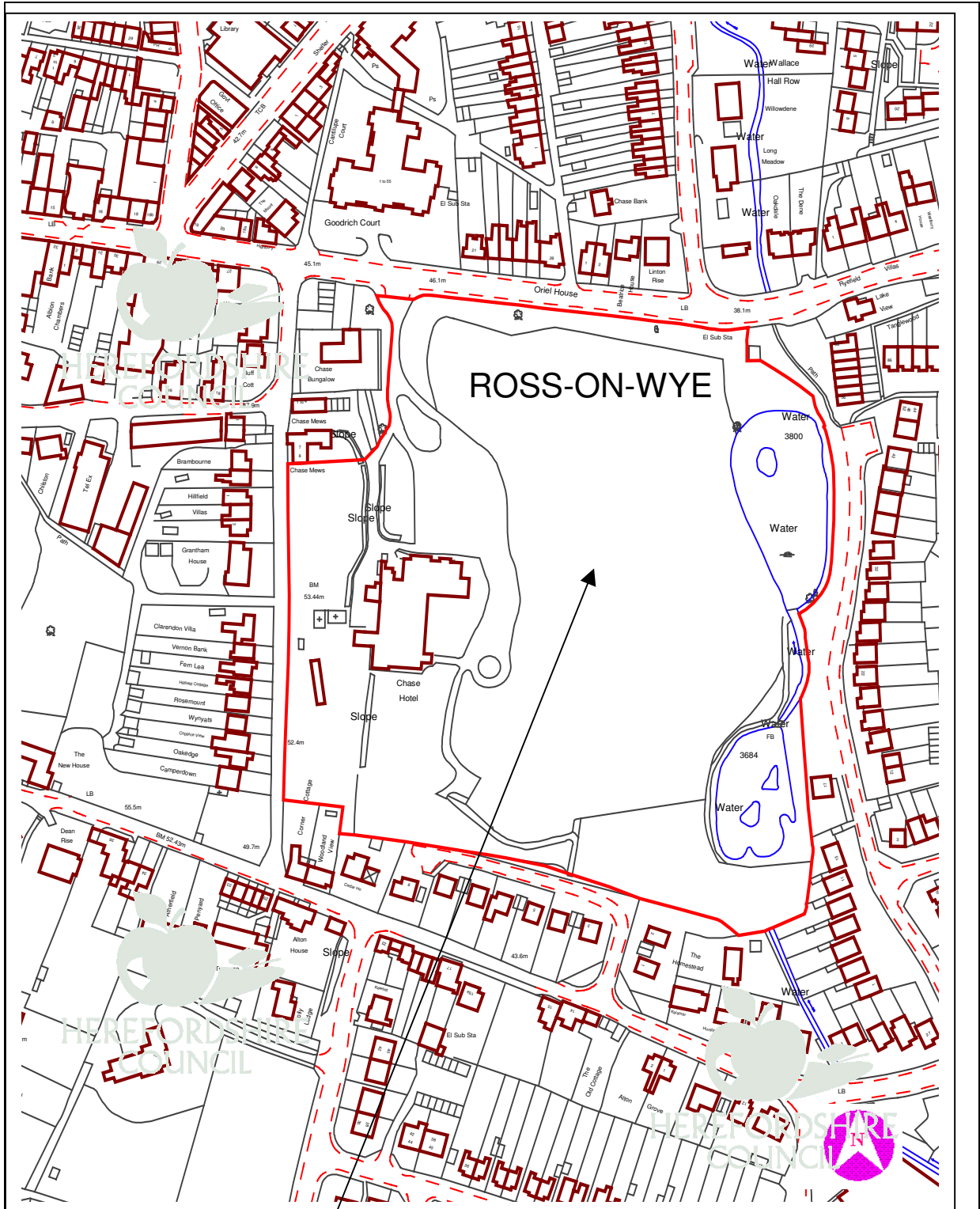
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2006/2206/F

SCALE : 1 : 2500

SITE ADDRESS : The Chase Hotel, Gloucester Road, Ross-on-Wye, Herefordshire, HR9 5LH

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