

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	12 July 2017
TITLE OF REPORT:	<p>162753 - CHANGE OF USE OF ROSEMORE GRANGE, FROM A RESIDENTIAL DWELLING WITH HOLIDAY ACCOMMODATION, TO HOLIDAY ACCOMMODATION AT ROSEMORE GRANGE, LADYWOOD, WHITBOURNE, HEREFORDSHIRE, WR6 5RZ</p> <p>For: Ms J Walker per Mr James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162753&search=162753
Reason Application submitted to Committee – Re-direction	

Date Received: 31 August 2016

**Ward: Bromyard
Bringsty**

Grid Ref: 371569,257373

Expiry Date: 26 October 2016

Local Member: Councillor NE Shaw

Site Description and Proposal

- 1.1. This application was originally presented to Committee on 14 June 2017 . It was deferred by the Committee in order to seek clarification as to exactly what this proposal entailed, particularly as regards ‘private celebrations and events’. The applicant has subsequently confirmed that the proposal is now solely for holiday use (i.e there is no intention to have private celebrations and events).
- 1.2. Therefore, the description has been amended and the report below relates to the continued use for holiday accommodation for the main dwelling only. The report also includes an updated response from the Environmental Health and Trading Standards Officer, which was included as an update to the June Committee report
- 1.3. Rosemore Grange is a two-storey property on the north-western side of the parish of Whitbourne. It gains access onto the eastern side of an unclassified road (u/c 65026). It comprises a detached nine-bedroom house which has been used as an exclusive private hire facility for holiday accommodation and private parties. This is a retrospective application for continued use of the property together with a Coach House in the grounds, which has the benefit of use as a holiday unit dating from August 2005 (reference DCNC2005/2369/F) for holiday accommodation only.

- 1.4 The proposal site is served by two access points, the northernmost one is close to a bend in the unclassified road and the other enjoys better visibility along a relatively straight stretch of highway.
- 1.5 The first complaint of use of the site was received in August 2014. The applicant believed that there was not a change of use given that the main house was hired out for private groups for 35 out of 53 weekends and that in further communications with the planning department, that the dwelling house and Coach House used for holiday accommodation could be construed as being one dwelling. Correspondence between the planning authority carried on for a further two years, until August 2016, Following further complaints from two sources and the intervention of the Ward Member allied with the Parish Council a retrospective application was submitted for continued use of the property in conjunction with the Coach House for private hire for holiday accommodation, private celebrations and events.
- 1.6 This proposal as stated above has been revised to one for holiday accommodation only.

2. Policies

2.1 Herefordshire Local Plan Core Strategy:

SS6	-	Environmental Quality and Local Distinctiveness
RA6	-	Rural economy
MT1	-	Traffic Management and Highway Safety
SD1	-	Sustainable Design and Energy Efficiency

2.2 National Planning Policy Framework (NPPF)

Core Planning Principles – Paragraph 17, including support for sustainable economic development and the pursuit of good standards of amenity for all existing and future occupants of land and buildings.

Chapter 3: Supporting a prosperous rural economy

Chapter 4: Promoting sustainable transport

2.3 National Planning Policy Guidance (NPPG)

2.4 Neighbourhood Plans

The Neighbourhood Plan area for Whitbourne was made in October 2016 and therefore it forms part of the Statutory Development Plan and attracts significant weight for the purposes of determining planning applications.

2.5 The Core Strategy and Neighbourhood Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following links:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

https://myaccount.herefordshire.gov.uk/media/5026194/whitbourne_ndp.pdf

3. Planning History

- 3.1 DCNC20052369/F - Conversion of coach house to provide holiday accommodation – Approved 23 August 2005

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Consultations

4.2 Transportation Manager: Conditional support

This is on the basis that the northern access point, which has restricted visibility, is closed off permanently and only the other access point with better visibility splays is utilised.

4.3 The Council's Environmental Health & Trading Standards Officer has responded as follows:

This is a retrospective application for a change of use from residential with holiday accommodation to exclusive private hire for holiday accommodation, private celebrations and events (*Note: the application no longer includes private celebrations*). Representations have been made by local residents regarding periodic noise and other behaviours from the site although it is acknowledged that many groups hiring the premises do not pose a problem. Our department has received one complaint regarding noise nuisance.

To protect the amenity of neighbouring residents we recommend a condition which prohibits the playing of amplified music outside.

We also recommend consideration that the site be granted temporary planning permission so that in the event of complaints this summer, this can be reviewed. Our department has an out of hours noise service at weekends in the months of July and August. Fundamentally we are also able to investigate and address complaints of Statutory Nuisance under the Environmental Protection Act 1990 should circumstances warrant this

5. Representations

5.1 Parish Council object:

Further to your correspondence re consultation on the above planning application Whitbourne Parish Council has asked me to convey their opposition to this application.

The application effectively seeks retrospective consent for the existing use of the property.

Over the last few years, the property has been let out for varying periods of time but in recent times this has been predominately for weekend bookings. These bookings are not supervised or directly controlled by the owner who is not resident at the property. The property accommodates 26 persons– 20 in the house and 6 in the Coach House. The weekend residents in particular often cause very significant anti-social behaviour. This usually arises from private events and parties (including stag and hen parties). High noise levels from groups using the patio area have been recorded and include late night rowdyism, the playing of loud music and the letting off of fireworks.

Unacceptable levels of noise have often been recorded until 1am and as late as 4am. Various acts of vulgarity have also been reported in both the garden and field areas.

The number of cars recorded at weekends has varied from 6 to 15, although typically there would be around 9 or 10. The location of the site in the open countryside is such that access must be by private car or taxis. The road passing the property is a narrow single carriageway

lane with a very sharp bend immediately before the property. There have apparently been a number of near collisions when vehicles exited the property without due care and attention. Extracts considered by the Council from the relevant policies are as follows:

Whitbourne NDP Policy LU4 states:

Housing or development proposals should seek to:

- iii. Respect the amenity and privacy of any adjoining properties
- iv. Ensure suitable and safe access to the highway

The Herefordshire Core Strategy:

Policy RA6 - Rural economy

Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:

- Promote sustainable tourism proposals of an appropriate scale in accordance with Policy...
- Planning applications which are submitted in order to diversify the rural economy will be permitted where they;
 - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell; &
 - do not generate traffic movements that cannot safely be accommodated within the local road network.

Policy SD1 – Sustainable design and energy efficiency

Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:

- safeguard residential amenity for existing and proposed residents;
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;

All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.

The Members of Whitbourne Parish Council unanimously object to the proposed change of use of Rosemore Grange for the following reasons:

1. The level and type of activity associated with the proposal would intrude on the peaceful nature of the locality, harming its tranquillity and it demonstrably fails to respect or safeguard the residential amenity of local residents contrary to NDP Policy LU4 (iii), RA6 and SD1.

2. The nature and use of the proposed development is such that it will give rise to a significant number of additional vehicle movements at weekends. The location of the site is considered to be unsuitable and unsustainable and contrary to NDP Policy LU4 (iv), RA6 and SD1.

5.2 Four letters of objection have been received making the following main points:

- Noise. Noise bounces off house from patio audible to north-east. Had to go there 3 a.m. could not hear me knocking
- Weekends use of property - rarely used weekdays
- People come for once in lifetime experience
- Many groups no problem
- Hen parties, stag dos and extended family groups
- Minor instances of trespass
- Narrow road bend nearby. Near misses with cars joining narrow road
- 6-15 cars parked on site
- If approved will legitimate further expansion

5.3 Four letters of support have been received making the following main points:

- Good for village as facilities i.e. shop, restaurant and pub used
- Maintain house and gardens not seen damage
- Good to see three generations of families walking around.
- Family birthdays, anniversaries mostly few hen and stag parties
- Facilities used by Whitbourne residents

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162753&search=162753

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 Having regard to the Parish Council objection and letters of representation, the main issues arising are:

- Concerns in relation to noise, disturbance and anti-social behaviour;
- Concerns relating to the additional traffic generated by the ongoing use of the premises.

6.2 Government advice in Chapter 3 of the NPPF is that planning policies should support economic growth in rural areas to create jobs and prosperity. This is reflected in the Core Strategy (CS), which seeks, jointly and simultaneously, development that achieves social progress, economic prosperity and environmental quality.

6.3 This retrospective application now concerns the change of use of a large, detached dwelling into a property providing holiday accommodation. As the representations set out, the composition of these groups varies and can comprise mixed, multi-generation family groups as well as single gender party groups.

- 6.4 The Coach House already has a holiday use for up to 6 people together with the main house or indeed separately. Having regard to the CS and NPPF, officers are of the view that the change of use of Rosemore for the purpose for which permission is sought, is not objectionable in principle, particularly given the revision to the description removing the use of the site for events and private celebrations. It is a large property of a type that is perhaps increasingly less-likely to be utilised as a private family dwelling house. It remains the case, however, that seeking a good standard of amenity for neighbours to development is an NPPF core planning principle and objective of the CS.

Noise

- 6.5 It should also be noted that even in the representations received it is stated that many visiting groups have not posed a problem. It is the composition of these groups that is considered to pose different issues in terms of noise and disturbance, whilst by implication family groups would potentially entail fewer vehicle movements on the local highway network. The Parish Council has referred to Policy LU4 from the adopted NDP; this policy though refers to new housing proposals in the parish, which is not the case in this instance, as the dwelling exists.
- 6.6 The Council's Environmental Health team has investigated in relation to an historic noise complaint in 2014. Officers were unable to substantiate a statutory nuisance, however, and the case was closed. In any event, this application presents the opportunity to better regulate the premises via planning condition. Accordingly a condition is imposed restricting the playing of amplified music in external areas. It is also the case that in the event of a complaint, the Council does have recourse to an out-of-hours Environmental Health service that can visit and monitor noise levels and pursue accordingly through Environmental Health legislation should a nuisance be proved.
- 6.7 The condition recommending prohibiting amplified music outside of the buildings has already been attached to the recommendation. The second recommendation of the Environmental Health Officer is that permission be granted for a temporary period. Government guidance provided in Use of Planning Conditions (March 2014) states that where the development complies with the development plan or where material considerations indicate otherwise that that be planning should be granted, granting planning permission for a temporary period will rarely pass the test of necessity. This is also in accordance with Section 72 of the Town Country Planning Act 1990.
- 6.8 Moreover, it is considered that a temporary approval for a use that has been carried on for a number of years and which is capable of further regulation via planning condition would not be reasonable. In relation to the now proposed holiday accommodation use this would certainly make a temporary condition too onerous in your officers' opinion.
- 6.9 Finally, an additional planning condition prohibiting the use of fireworks at anytime – something that the applicant's own booking terms and conditions control also - is attached to provide a further control of an activity that can upset the quiet enjoyment of residential properties.
- 6.10 In conclusion on this first main issue, officers conclude that the omission from the description of development of 'private celebrations and events' - such that the application is now seeking to regularise solely the holiday use of the building - is a materially different proposition to that put before Members at the earlier Planning Committee. The practical effect is that the application site could not be used for events, which might include use as a wedding venue for instance.
- 6.11 Moreover, conditions are now recommended to control the playing of amplified music outside The Grange and also prohibit the letting off of fireworks. This provides the Council with an element of control and ability to enforce.

- 6.12 In combination, officers are now satisfied that with clarification of the use and these conditions which are aimed to prevent undue disturbance to local residents the application complies with Core Strategy Policy SD1 and the NPPF.

Traffic impacts

- 6.13 Letters of representation refer to near misses on the local highway network, but such occurrences are difficult to substantiate and may or may not be a direct consequence of the ongoing use of the premises as such.
- 6.14 The use of the roads, predominantly at the weekend as suggested in representations received, does not constitute a level of traffic that could substantiate a reasonable ground for refusal. There is insufficient evidence to substantiate conflict with MT1 and NPPF paragraph 32. Moreover, the clarification of the description of development i.e. no events to be held, indicates further that traffic levels are unlikely to ever reach a level in terms of trip generation that would cause conflict with MT1.
- 6.15 However, it is contended that in line with the advice of the Council's Traffic Manager, the northern access point should be closed off given its proximity to a bend in the unclassified road and only the southern most access be utilised. This would concentrate traffic movements to the safer access point and would accord with Policies MT1 and RA6 of Core Strategy. A condition is recommended to control this closure.

Conclusion

- 6.16 The continued use of the house and Coach House can be supported subject to controls with the use of amplified music and the means of access. The removal of private celebrations and events from what was originally applied for and the subject of the earlier report at the June Committee removes an element that allows for better future control of use of the property. The economic benefits of the proposal, which include local employment, are considered on balance to outweigh the occasional complaints relating to what is an existing large residential property and detached building with an existing, lawful holiday use. Overall the proposal is considered to accord with the provisions of policies SD1 and RA6 of Core Strategy and is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **The main house and coach house shall:**
 - (i) **Be occupied for holiday purposes only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.**

Reason: To safeguard the amenity of the area and to comply with Policy SD1 of Herefordshire Local Plan –Core Strategy

2. **F13 - Restriction on separate sale**
3. **I14 – No amplified music within or upon external areas**

- 4 I32 - Details of floodlighting/external lighting
- 5 No fireworks shall be let off from any part of the property

Reason : In order to protect the amenity of residents in the locality and to comply with Policy SD1 of Herefordshire Local Plan –Core Strategy

- 6. H08 - Access closure

INFORMATIVE:

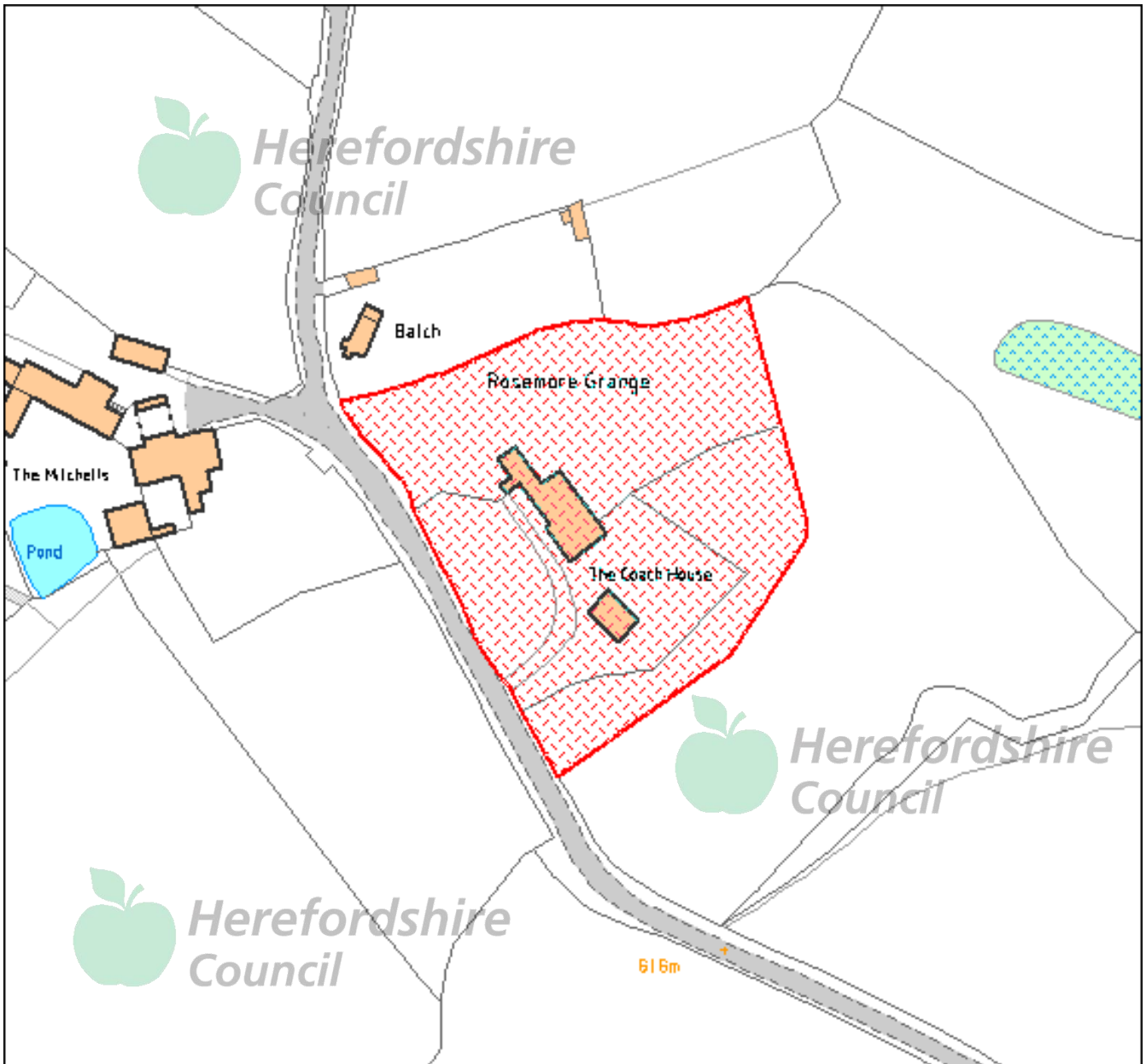
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 162753

SITE ADDRESS : ROSEMORE GRANGE, LADYWOOD, WHITBOURNE, HEREFORDSHIRE, WR6 5RZ

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