

6 DCSE2006/2771/G - DISCHARGE PLANNING OBLIGATION REF: SH870829PF AT THE LODGE, PENGETHLEY MANOR HOTEL, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LL.

For: Mr. & Mrs. Wisker per Christie & Co, Embassy House, Queens Avenue, Clifton, Bristol, BS8 1SB.

Date Received: 23rd August, 2006 Ward: Llangarron Grid Ref: 54308, 25624

Expiry Date: 18th October, 2006

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

1.1 The Lodge is located on the west side of the private drive that leads to Pengethley Manor Hotel off the A49. The site is located in open countryside designated as being of Great Landscape Value, and within the Wye Valley Area of Outstanding Natural Beauty.

1.2 This application is for the discharge and transfer of a Section 52 Agreement that formed part of planning permission SH870829PF that was for 2 dwellings. It is proposed to transfer the Agreement to a stable building that has been converted to living accommodation, SE2001/2855/F refers, which is located to the north of the hotel.

2. Policies

2.1 Planning Policy Guidance

PPS1 - Delivering Sustainable Development
PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H7 - Housing in the Open Countryside Outside Settlements

2.3 South Herefordshire District Local Plan

Policy GD1 - General Development Criteria
Policy C1 - Development within Open Countryside
Policy SH11 - Housing in the Countryside

2.4 Hereford and Worcester County Structure Plan

Policy H20 - Housing in the Countryside

3. Planning History

- 3.1 SH870829PF Erection of 2 dwellings - Approved 19.11.1987
SE2001/2855/F Conversion of stable to living accommodation. - Approved 17.12.2001

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency - No objection

Internal Council Advice

- 4.2 Traffic Manager - No objection

5. Representations

- 5.1 Sellack Parish Council - No objection

- 5.2 The applicant has said:

- The planning obligation was entered into nearly 20 years ago when there was an urgent need for family accommodation in close proximity to Pengethley Manor
- It is accepted the house is in a location where the local planning authority would normally restrict housing development but officers and members at the time were convinced of the need for the house subject to the applicant entering into a Section 52 Agreement restricting its occupation
- The applicant has not let the local planning authority down
- The accommodation is no longer required by future owners of the hotel as the local planning authority granted consent for additional accommodation within the old stable block, SE2001/2855/F
- Clearly the local planning authority has a need to retain control of development in this area and if they were minded to release the Hurrycalm Ltd from the current obligation in respect of The Lodge there would be no objection to the restriction being transferred to the accommodation granted under reference SE2001/2855/F

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 Pengethley Manor Hotel is located in open countryside where for the proper planning of area there policies in the Herefordshire Unitary Development Plan (Revised Deposit Draft), the South Herefordshire District local and the Hereford and Worcester County Structure Plan restricts house building taking place.
- 6.2 The Section 52 Agreement entered into, as part of the planning permission SH870829PF that was for 2 dwellings was appropriate and necessarily required in the interests of the proper planning of the area. The Agreement required:

“The occupation of the dwelling shall be restricted to the owners of the Hotel their successors in title and their employees whilst engaged in the operation of the Hotel or the widow and dependants of such persons”

6.3 The applicant has said that by transferring the Agreement to the stable building that has been converted to living accommodation will satisfy the need and reasoning of the original Agreement. While it is considered this would meet the requirement of the Agreement, the planning permission SH870829PF was for the erection of 2 dwellings. This permission has been implemented by building The Lodge, the planning permission remains extant, allowing the second dwelling to be built whenever. Unless this part of the planning permission is voluntarily revoked, the transfer of the Agreement to another building will allow an unrestricted dwelling to be built in an area where there is a presumption against housing development. The applicant has agreed to voluntarily revoke the remainder of the planning permission. This will need to form part of the Agreement.

RECOMMENDATION

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission.**

Informatives:

- 1 **N19 - Avoidance of doubt**
- 2 **N15 - Reason(s) for the Grant of Planning Permission.**

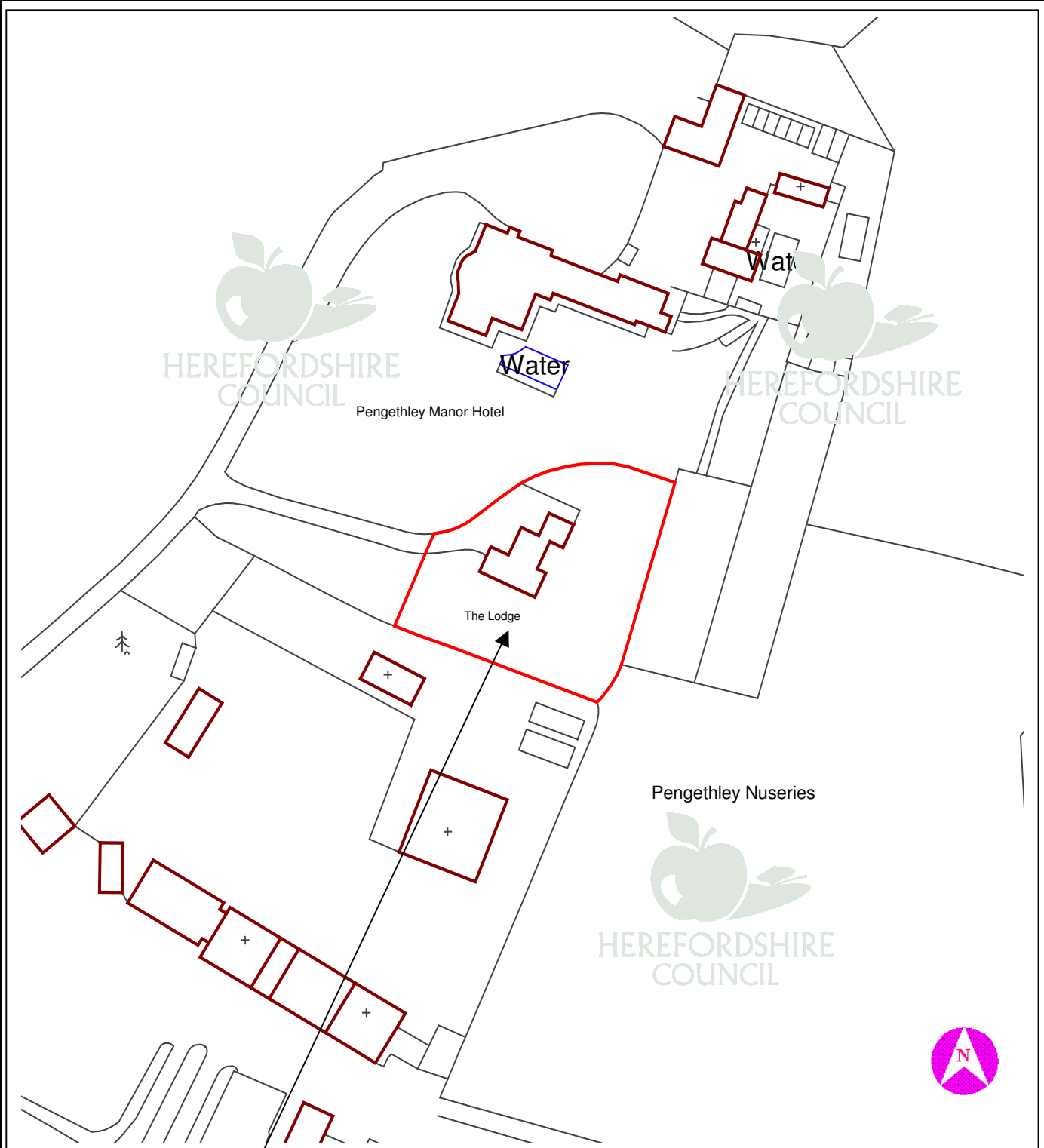
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2006/2771/G

SCALE : 1 : 1250

SITE ADDRESS : The Lodge, Pengethley Manor Hotel, Peterstow, Ross-on-Wye, Herefordshire, HR9 6LL

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