

**10 DCSE2006/3912/F - NINE TIMBER LODGES, TOURIST RECEPTION BUILDING AND COVERED EXTENSION TO FITNESS SUITE, CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QU.**

**For: Graham & Stella Mitchell per Mr. G. Frecknall, Graham Frecknall Architecture & Design, 9 Agincourt Street, Monmouth, Monmouthshire, NP25 3DZ.**

**Date Received: 13th December, 2006    Ward: Kerne Bridge    Grid Ref: 58664, 18814**

**Expiry Date: 7th February, 2007**

Local Member:    Councillor J.G. Jarvis

**1.    Site Description and Proposal**

- 1.1 The site is located in an elevated position on the steep south west-facing slope of Leys Hill, Ross-on-Wye. It is accessed from the U70408 road that climbs from Kerne Bridge onto Leys Hill. The site falls within the open countryside, the Wye Valley Area of Outstanding Natural Beauty and Area of Great Landscape Value.
- 1.2 The site comprises a broad strip of land that follows the contours around Leys Hill, to the south east of the U70408 road. The main driveway runs along the lower edge of the site, serving an existing children's nursery, gym and swimming pool building, which are grouped with the applicant's house towards the rear of the site. There is a tarmac parking area to the front of the buildings and a hard surface tennis court lies on terraced ground in the central part of the site. The remainder of the site comprises open grassed areas, which contain scattered, predominantly semi-mature trees. The site is fairly well screened by surrounding woodland and trees but there are long distance views into the site from the hills to the south-east.
- 1.3 The proposal is to site 8 timber lodges plus 1 socially inclusive unit with private parking together with a tourist reception building/dining room and covered extension to the existing fitness suite. The timber lodges will measure 7m wide x 6.25m long x 5.8m high. Each lodge will contain an open plan living/kitchenette, 1 bedroom and a shower/WC room. The lodges will be sited to the west of the site. The tourist reception building will measure 18m long x 6.1m wide x 5.2m high. Although it does not appear in the description of the application, the applicant has clarified that this building will also be used as a catering facility and dining room for guests staying at the lodges or visitors using the other facilities on the site. It will be sited in close proximity to the existing buildings on the site.
- 1.4 It is the applicant's intention to continue to operate the existing nursery, kids club and recreational facilities in addition to the proposed use.

## 2. Policies

### 2.1 Planning Policy Statement

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas
PPG.21	-	Tourism

### 2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S.1	-	Sustainable Development
Policy S.7	-	Natural and Historic Heritage
Policy S.8	-	Recreation, Sport and Tourism
Policy DR.1	-	Design
Policy DR.3	-	Movement
Policy DR.4	-	Environment
Policy E.6	-	Expansion of Existing Businesses
Policy E.8	-	Design Standards for Employment Sites
Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy RST.1	-	Criteria for Recreation, Sport and Tourism Development Policy
Policy RST.2	-	Criteria for Recreation, Sport and Tourism Development within Areas of Outstanding Natural Beauty
Policy RST 12	-	Visitor Accommodation
Policy RST 14	-	Chalet Sites

### 2.3 Hereford and Worcester County Structure Plan

Policy E.20	-	Tourism Development
Policy CTC.1	-	Development in Areas of Outstanding Natural Beauty
Policy CTC.2	-	Development within Areas of Great Landscape Value
Policy CTC.9	-	Development Criteria
Policy TSM.1	-	Tourism Development
Policy TSM.2	-	Scale of Tourism Projects
Policy TSM.5	-	Encouraging the Development of Tourist Accommodation
Policy TSM.6	-	New Holiday Chalets

### 2.4 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.5	-	Development within Areas of Outstanding Natural Beauty
Policy C.8	-	Development within Areas of Great Landscape Value
Policy ED.4	-	Safeguarding Existing Employment Premises
Policy ED.5	-	Expansion of Existing Businesses
Policy TM.1	-	General Tourism Provision
Policy TM.5	-	Proposals for Small Guesthouses, Bed and Breakfast and Self-Catering Accommodation
Policy TM.6	-	Chalet Parks
Policy TM.10	-	Proposals within the Wye Valley Area of Outstanding Natural Beauty

## 2.5 Other Material Considerations

Wye Valley Area of Outstanding Natural Beauty Management Plan

## 3. Planning History

3.1	SH871537PF	Change of use into children's nursery school and extension to form playroom	-	Permitted 16.12.87
	SH871687PF	Extension to provide additional living accommodation	-	Permitted 25.01.88
	SH881381PF	Extension to form leisure and recreation room for pre-school age children	-	Permitted 05.10.88
	SH940484PF	Relaxation of conditions to allow for use of premises for recreational and cultural purposes	-	Permitted 07.09.94
		Appeal against Condition No. 3	-	Dismissed 14.07.95
	SH960425PF	Extension to provide additional space for recreational and cultural activities	-	Permitted 01.11.96
	SH960841PF	Permanent provision of kids club	-	Permitted 11.12.96
	SE1999/3239/F	To apply for permanent kids club use and to consolidate all extant planning consents for educational, leisure, recreational and cultural facilities for children and adults	-	Permitted 17.08.00

## 4. Consultation Summary

### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

4.2 The Traffic Manager provides the following comments:

“Given that the supporting statement suggests that the existing use as a nursery school, kids club and holiday club will be ceased, it is anticipated that traffic generated by the proposals will be at lower levels than current, therefore no objections - but can this be conditioned i.e. that existing use is ceased before proposal is in use?”

#### 4.3 The Conservation Manager provides the following comments:

“The site is in an elevated position on the steep south-west facing slope of Leys Hill. It is accessed from the minor road that climbs from Kerne Bridge onto Leys Hill. The site falls within an Area of Outstanding Natural Beauty and an Area of Great Landscape Value. This area is described as Principal Wooded Hills in the Landscape Character Assessment.

The site comprises a broad strip of land that follows the contours around Leys Hill, to the south-east of the minor road. The main driveway runs along the lower edge of the site, serving the existing children's nursery, gym and swimming pool buildings, which are grouped with the applicants' house towards the rear of the site. There is a large tarmac parking area to the front of the public buildings and a hard surfaced tennis court lies on terraced ground in the central part of the site. The remainder of the site comprises open grassed areas, which contain scattered, predominantly semi-mature trees. The site is fairly well-screened by surrounding woodland and trees but there are long-distance views into the site from the hills to the south-east.

Given that the site is already used as a leisure facility and the existing landscape character is that of amenity land associated with the leisure facilities, I consider that some chalet development may be acceptable in principle, because there would be no significant change to the landscape character of the site and there would be opportunity to enhance the landscape character of the site.

However, I do have some concerns regarding the overall scale of the proposed development. The tourist reception building is large in scale - 18 metres by 6 metres. The decision to house this facility in a new, separate building would mean that new development would spread over a greater part of the site, than if the existing CATS building was extended. I think that an extension to the CATS building, rather than a separate new building for the tourist facility, should be considered, as this would reduce the visual impact of this aspect of the development.

With regard to the lodges, I am concerned about the cumulative effect of the proposed lodges, the hardsurfaced tennis court and existing tarmac parking area, on the character of the site. The tennis court is quite a visually dominant element in the central part of the site and the parking area, while it is functional, is rather urban in character and unsympathetic, in terms of appearance, to the rural landscape. If nine lodges were constructed to the north-west of the tennis court and parking area, I feel that the proportion of the overall site, which would be occupied by built development, would be too high, in relation to the area that would be retained as grass and trees. Although not shown on the plan, there would also be other built elements associated with the chalet development, such as earthworks and paths, which would intensify development on the site. I feel that nine chalets would amount to over-intensive development, at too great a density, in this open countryside location. In my view the number of chalets would need to be reduced, in order to maintain the rural character.

It is evident from the contours on the site plan that some earthworks would be required in order to construct lodges on sloping ground. Profiling the earth and using earth stabilisation techniques that are sympathetic to the rural landscape will be key to minimising adverse visual impact. However, it is not possible to assess the scale or sensitivity of the design of the earthworks without sections and notes regarding proposed techniques and materials. It is essential that sections and supporting

information be provided as part of the planning application, particularly given the fact that the site falls within the Wye Valley Area of Outstanding Natural Beauty.

Likewise, although there are general proposals in the Design and Access statement to reinforce the predominantly woodland character of the site with further planting of hedgerows and trees, no planting details are shown on the proposed plan. A comprehensive planting scheme will be required as part of the planning submission. I recommend that the aim of any landscape scheme should be to create a predominantly woodland character, with chalets being sited in open areas within the woodland. This would meet one of the conservation aims for Principal Wooded Hills, which is to restore the ancient broadleaved character of the woodland. This could be achieved by planting a hedgerow of mixed native species along the road frontage and along the drive, (there are currently fences along these frontages), by planting an area of woodland trees in the grassed area adjacent to the road and by reinforcing the existing trees with additional native species trees over the remainder of the site.

As stated in my pre-application comments, I would encourage the applicants to consider softening the appearance of the existing car parking area, to give it a more appropriate rural character. This could be achieved, for example, by applying a new wearing course that incorporates a local stone, of a muted colour.

I regret that I could not support the application as it stands, as I consider that the proposed development is too large in scale and too intensive for a site in open countryside that is designated as an AONB. In addition, insufficient information has been provided concerning earthworks and new planting. I recommend therefore that permission should be refused for the proposed development on the grounds that it would be contrary to policies LA1, RST1, RST2 and RST14 of the emerging Unitary Development Plan.”

- 4.4 The Forward Planning Manager objects to the proposal and provides the following comments:

“The proposed scale of development is considered inappropriate for an AONB and its location in open countryside, removed from the main villages and smaller settlements. In addition, the scale of development would also have an impact upon the highways network. Users of the facility are almost totally dependent on the car for accessing facilities and also the site itself. The fact that the site is for use 52 weeks a year further exasperates the impact upon the AONB. The development is considered to have an undue impact upon the enjoyment, conservation, protection and enhancement of the AONB and would be contrary to policy. It is not considered that the scheme protects or enhances the AONB.”

- 4.5 The Environmental Health Manager has no objection to the proposal.

## **5. Representations**

- 5.1 The applicant has submitted a Design and Access Statement in support of the proposal. This is appended to this report. The applicants conclude that due to the present government legislation that all schools must provide before and after school care from 8am to 6pm and holiday care, coupled with the falling birth rate nationally and falling roles locally, they are obliged to diversify. They therefore propose to espouse tourism by providing timber lodge accommodation and encourage a healthy lifestyle.

This diversification application to erect 9 lodges, renovate the barn, erect a separate eating lodge and cover over the terrace on the gym to replace the gym area needed for changing room facilities is essential.

Sympathetically placed exclusively designed energy saving timber lodges will attract tourists (Policy RST.2). Assisting CATS to diversify incrementally from integral child care, to embrace visitor accommodation (Policy RST.12). There are already numerous recreational, sport and leisure facilities on the site (Policy RST.1) and it is proposed to maintain external and improve existing internal facilities for the comfort and convenience of visitors, but in such a way as it complements the character and appearance of the countryside.

As a business they have provided a service for the community covering all age groups for 20 years and with the inclusion of all, be it in education, fitness or leisure. The business will naturally evolve from providing for the immediate community to embracing the general public by offering tourist accommodation for visitors to enjoy the hospitality of Herefordshire and will create new jobs at CATS and support other local businesses and, improve local employment.

#### 5.2 Walford Parish Council provide the following comments:

“There was a very strong opinion in the Council and the local community that this application should not be allowed.

The unanimous opinion was that the local road could not take any increase in traffic whatsoever and that even a reduction in activity in the current business would not offset the traffic likely to be generated from the holiday lodges. In fact, it was felt that holiday lets on the site would exacerbate an already bad situation by lengthening the periods of heavy traffic down a very narrow lane, making use of a poor junction onto the B4234. It was also felt that as the holiday traffic would not be local, inexperience in dealing with the junction and lane would dramatically increase the likelihood and frequency of accidents. It was noted that there have been a number of accidents in the area already. Complete closure of the school activities would go some way to addressing some of these points, but not all.

The vast majority of opinion agreed with the following comments:

1. That the development in the open countryside would be inappropriate, especially as the site is outside a recognised settlement (RST. 12).
2. That there would be a strong probability of noise affecting the surprisingly large number of neighbouring properties. Given the target of holiday lets, this impact would likely to be of much longer duration and much closer to the neighbouring properties than that generated by the school.
3. There was no provision for the mitigation of light pollution.
4. There would be a marked impact on the visual amenity of the AONB - the site being visible from a broad section of the countryside from the Pludds viewpoint all the way round to Coppett Hill - as well as in the direct local area. We were unable to fully reconcile the plans and written statements regarding the size of the lodges, as the lodges shown on the plans appeared to be significantly smaller than the sizes mentioned in the text.
5. The design of the lodges was not appropriate to the local vernacular style.
6. The density of the lodges was too high.

7. Given the location of the site, it was felt that there was limited opportunity for direct use of walking and cycling and that all activities would result in car movements.

It was also suggested that, should Herefordshire Council feel there was any value in the application, a broader consultation would be beneficial, as the traffic impacts would affect all properties alongside Leys Hill, rather than just the direct neighbours.”

5.3 19 letters have been received objecting to the development on the following grounds:

- The proposal is contrary to Government Guidance and policies of the Development Plan.
- The site is within an Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value.
- The proposal would be an intrusion in the landscape and have severe visual impact in a valley noted for its beauty, serenity and tranquillity.
- Cats already has an adverse impact on the surrounding area, any further development will continue to spoil the AONB.
- Local highway network is not capable of safely accommodating traffic generated by the proposal.
- Hazardous exit from Leys Hill onto the B4234 Ross/Coleford Road.
- Traffic generated from the proposal makes it dangerous to walk and cycle on the road.
- Visitors to the development will not be aware of the narrow road and access onto the B4234 increasing the risk of road accidents.
- There is no safe pedestrian access to the development.
- Severe impact on wildlife in the area.
- Risk to cattle as gates may be left open as visitors will be unfamiliar with country ways
- Will set a precedent for further landowners in the area to put forward similar development proposals.
- Noise nuisance will be created from users of the proposed development.
- Earth moving and the civil work undertaken to support the lodges, makes for an unstable location for this development
- Inevitable risk of fire on the site and the emergency services always find it difficult to access properties on Leys Hill.

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 The main considerations in this application are the provision of tourist accommodation in the open countryside, the impact of the development on the landscape, the impact of the development on the highway network.
- 6.2 Although there is a number of dwellings within the vicinity of Leys Hill the site cannot, in policy terms, be considered as a settlement. The site is within the open countryside. In this location the planning policies are particularly restrictive and special justification is usually required for development. However, planning policies do encourage tourism development in the open countryside subject to certain criteria. Policy RST12 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and Policy TM5 of

the South Herefordshire District Local Plan states that tourist accommodation in open countryside should only be permitted through the conversion of existing buildings.

- 6.3 However, Policy RST14 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and Policy TM6 of the South Herefordshire District Local Plan permit the provision of chalet parks. By virtue of the number of chalets proposed and the proposed services, this application is considered to be a chalet park.
- 6.4 Policy RST14 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and Policy TM6 of the South Herefordshire District Local Plan permits the provision of chalet parks providing that they do not cause harm to the character and appearance of the countryside. With regards to this proposal, precedence must be given to the protection of the Wye Valley Area of Outstanding Natural Beauty.
- 6.5 The site is located within an Area of Outstanding Natural Beauty. The primary purpose of designation of these areas is to conserve and enhance their natural beauty.
- 6.6 The most relevant policies with regard to the AONB are Structure Plan Policy CTC1, Local Plan Policy C5 and Unitary Development Plan Policy LA1. The UDP Policy was subject to a proposed amendment following acceptance of the Inspector's recommendation but there has been subsequently no further objection. The Policy can be given considerable weight.
- 6.7 In addition, the pressure for recreation and tourism related development within the AONB merits a specific policy within the Herefordshire Unitary Development Plan (Revised Deposit Draft) – Policy RST2. While AONB designation allows recreation and tourism proposals to be accommodated where such developments do not compromise the landscape quality, it is important that precedence is given to the principal aim of conserving and enhancing the natural beauty of the area.

Policy RST2 reads as follows:

'Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty (AONBs), the conservation of the unique character and qualities of the landscape and of biodiversity and geological interests will have precedence over the development of facilities for recreation, sport and tourism. In particular such developments must:

1. respect and be in keeping with the inherent distinctiveness of the local landscape;
2. be small-scale and constructed from appropriate materials; and
3. make a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB.

- 6.8 Council policy therefore places a paramount importance on the protection of the natural beauty of the AONB, which is of national importance. For this reason the policy is particularly restrictive and development should only be permitted when it meets the specific requirements of the policy. I will examine the proposal against Policy RST2.
- 6.9 The first policy issue is whether the development respects and is in keeping with the inherent distinctiveness of the local landscape. Given that the site is already used as a leisure facility and the existing landscape character is that of amenity land associated with the leisure facilities, development, of a moderate scale, may be acceptable, because there would be limited change to the landscape character of the site and there would be the opportunity to enhance the landscape character of the site. However, the proposed development is considered to be over-intensive development in this open



countryside location. The density of the proposal is considered to have an undue effect on the rural quality and character of the AONB. In addition, the design of the buildings do not really reflect local distinctiveness of the area.

- 6.10 The second policy issue is whether the development is small scale and constructed from appropriate materials. In terms of the settlement hierarchy within the Herefordshire Unitary Development Plan (Revised Deposit Draft) the site is in Open Countryside and not in or adjoining either a Main Village or Smaller Settlement. It is therefore considered that 9 lodges, located in the open countryside, would not be small scale development.
- 6.11 The third issue is whether the development makes a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB. Whilst it is appreciated that there is an existing commercial use on the site, the proposed chalet development would further intensify the built development on the site and not provide a positive contribution to the understanding and quiet enjoyment of the AONB.
- 6.12 Policy LA1 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) does additionally allow for exceptions to be made to the general restriction on development within an AONB but only in certain limited circumstances. With regard to the proposed development I do not consider that it is a national interest greater than the AONB, that there are no alternative sites outside of the AONB or that the suggested mitigation (landscaping and planting) will compensate for the harm to the AONB.
- 6.13 My conclusion is that the proposal is contrary to Policy LA1, RST2 and RST14 of the Herefordshire Unitary Development Plan (Revised Deposit Draft), South Herefordshire District Local Plan Policies C5 and TM6, and Hereford and Worcester County Structure Plan Policies CTC1, TSM2, TSM5 and TSM6.
- 6.14 Representations have been received in respect of the suitability of the highway network to accommodate the proposed use. The Traffic Manager has no objection to the proposal providing the existing use ceases before the proposed use commences. This is not the intention of the applicant. Therefore further comments are being sought from the Traffic Manager on the suitability of the highway network to accommodate the operation of the existing and proposed use. In addition, comments are being sought on the acceptability of the proposed development on the junction of Leys Hill with the B4342.
- 6.15 Policy GD.1 of the South Herefordshire District Local Plan and Policy S1 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) seeks to ensure that new development is permitted where the need to travel especially by car can be reduced to ensure that the development is sustainable. The proposal would not satisfy the requirements of being sustainable in reducing the need to make car journeys. The nearest facility is at The Inn on the Wye Public House; there are no other facilities. i.e. Post Office or shop.
- 6.16 The need for the applicant to diversify due to Government legislation directing after school care within schools and the falling birth rate is recognised however diversification, in this instance, would not be sufficient in its own right to mitigate against national and local policy aims of protecting the countryside and AONB from inappropriate development.

**RECOMMENDATION**

That planning permission be refused for the following reason:

1. The site is located within the Wye Valley Area of Outstanding Natural Beauty. Having regard to Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies LA1, RST2, RST.12 and RST14, South Herefordshire District Local Plan Policies C5, TM5 and TM6, and Hereford and Worcester County Structure Plan Policies CTC1, TSM2, TSM5 and TSM6 the Local Planning Authority considers the proposal to be unacceptable. The scale of the proposal would result in harm to the landscape character of the area.

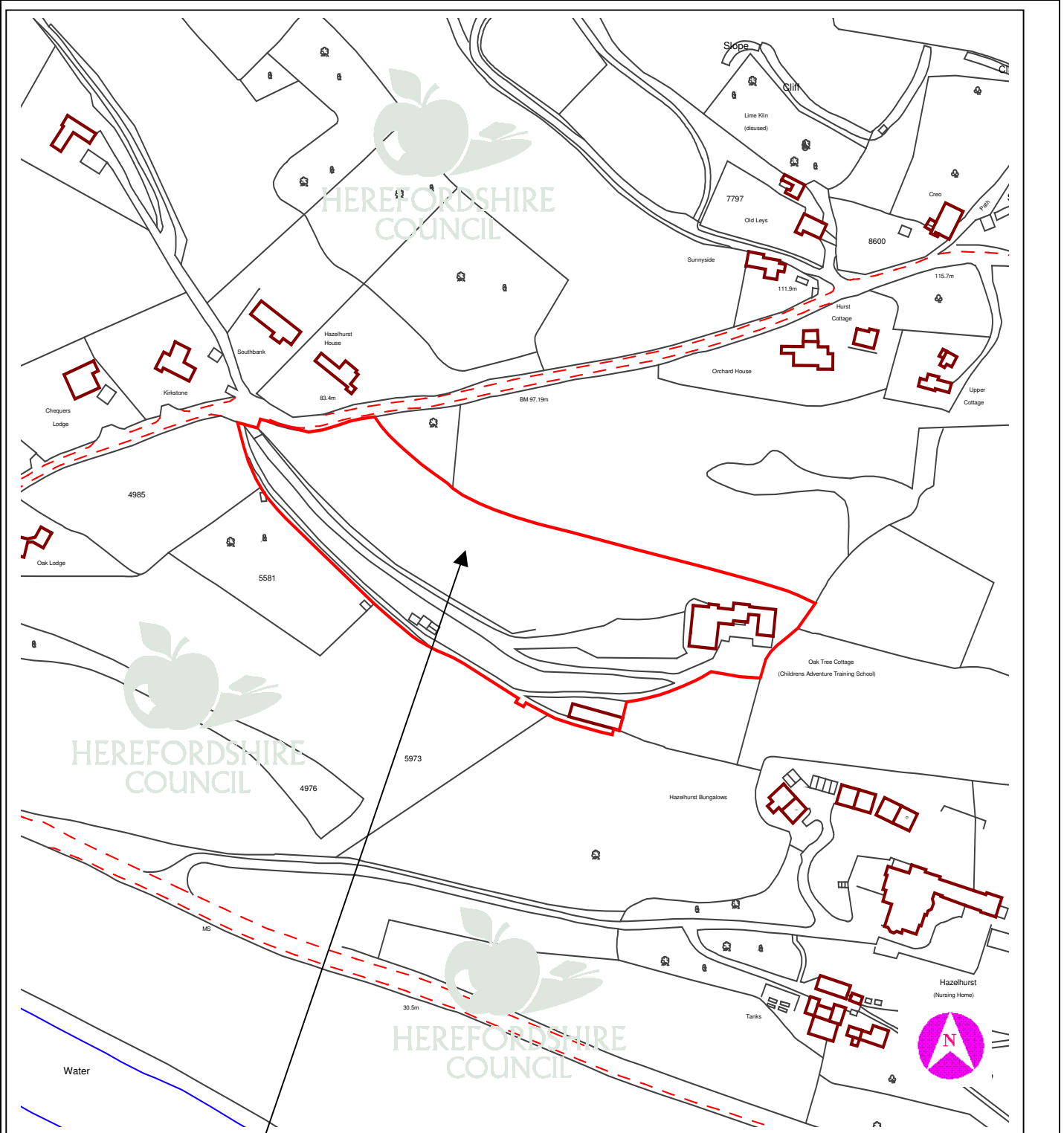
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE/2006/3912/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** CATS Nursery School, Leys Hill, Walford, Ross-on-Wye, Herefordshire, HR9 5QU

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