

9 DCSE2007/0052/F - CONVERSION OF LEISURE BUILDINGS TO A RETIREMENT DWELLING WITH GARAGING AND STAFF ACCOMMODATION WITH NEW ACCESSES TO THE HIGHWAY AT WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6PZ.

For: Mr. C. Bateman per M.E. Thorne & Co, The Ridge, Buckcastle Hill, Bridstow, Ross on Wye, Herefordshire.

Date Received: 9th January, 2007 Ward: Llangarron Grid Ref: 58170, 25729

Expiry Date: 6th March, 2007

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

1.1 The application premises comprise a swimming pool and restaurant and a separate leisure building built during the 1980s as part of the Wye Lea holiday complex. These buildings are located between the main residential accommodation and the house at Wye Lea. In addition to serving the holiday centre the leisure complex is a private members' club.

1.2 Planning permission (SE2005/1374/F) for a conversion of the holiday centre (other than Wye Lea) to a retirement centre was granted in June 2006. A subsequent application (SE2006/2284/F) to convert the swimming pool/restaurant and leisure buildings into a private dwelling and staff accommodation. Permission was refused (September 2006) for the following reasons:

"1. The Council is not satisfied that these modern buildings are worthy of retention or that there are acknowledged benefits of retaining the building or that they would meet local housing or rural business needs. In view of the isolated location of these buildings it is considered that the new dwellings would not be sustainable. As a consequence the proposal would not comply with the following Council Policies: CTC1, CTC14 and H20 of Hereford and Worcester County Structure Plan, C1, C5, SH24, T1A and GD1 of South Herefordshire District Local Plan and HBA12, HBA13, LA1 and S1, S6 and DR2 of Herefordshire Unitary Development Plan (Revised Deposit Draft).

2. The buildings have not been marketed for commercial use other than as part of the former holiday centre and the Council is not satisfied that every reasonable attempt has been made to secure an alternative business, recreational and community use or that such development uses are not acceptable, practical or beneficial. The proposal conflicts therefore with Policies C37, SH1A and SH24 of South Herefordshire District Local Plan and HBA13 of Herefordshire Unitary Development Plan (Revised Deposit Draft)."

1.3 The current proposal is a re-application with an identical scheme. The swimming pool restaurant would be converted into a substantial house (about 430 m² internal floor area) mainly at ground level but with some accommodation in the roof space lit by new

rooflights and French windows opening onto a balcony formed at the south-east end of the building. An extension would be constructed along the north-west section of the building to form a music/games room and a new link would connect to garaging to be formed in the adjoining leisure building. The remaining half of the leisure building would be converted into a two bedroom dwelling (staff accommodation). Elevational changes are proposed including new hipped roofs over the garage and an extension to the main bedroom.

- 1.4 A new vehicular entrance and drive would be formed to serve the new dwellings and the existing property to the north (The Lodge) and a further access and drive to serve Wye Lea. The existing access would be closed and some of the existing driveways and parking areas removed.

2. Policies

2.1 Planning Policy Guidance

PPS3	-	Housing
PPS.7	-	Sustainable Development in Rural Areas

2.2 Unitary Development Plan (Revised Deposit Draft)

Policy HBA.12	-	Re-use of Traditional Rural Buildings
Policy HBA.13	-	Re-use of Traditional Rural Buildings for Residential Purposes
Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy S1	-	Sustainable Development
Policy S6	-	Transport
Policy DR2	-	Land Use and Activity

3. Planning History

3.1	SH850877PF	Conversion to form 3 holiday cottages, erection of covered swimming pool	-	Approved 25.10.86
	SH871407PF	Family leisure building including swimming pool, Jacuzzi, solarium, table tennis and snooker room.	-	Approved 25.11.87
	SH880057PF	Alterations & extensions to cottage	-	Approved 08.02.88
	SH910236PF	Removal of Condition 2 (SH871407PF)	-	Approved 01.05.91
	SH910958PF	Squash court and tennis court	-	Approved 11.10.91
	SH921435PF	Removal of Condition 2 (SH910236PF)	-	Approved 13.01.93
	SH941107PF	New entrance, drive and car parking for 57 cars	-	Approved 19.10.94
	SH941108PF	Leisure building	-	Approved 19.10.94
	SH950662PF	Conservatory extension to restaurant	-	Approved 27.07.95

SE2005/1374/F	Change of Use of 9 holiday cottages to retirement centre.	-	Approved 12.06.06
SE2006/2284/F	Conversion of leisure buildings to private dwelling with garage and staff accommodation with new accesses.	-	Refused 11.09.06

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager points out that the new accesses would not achieve the recommended standards with regards to visibility splays; nevertheless they do represent a considerable improvement in visibility over the existing access. Recommend conditions regarding access and parking.

- 4.3 The Conservation Manager comments:

“The new access arrangements would conflict with the group of mature trees growing in the lawn area to the south of The Lodge. The new sections of driveway impinge significantly on the root areas for these trees. Should the root protection areas be plotted for these trees, they would extend beyond the canopy spread of these trees. Siting a new driveway within the root protection area of trees is not in accordance with best practice. Given the amount of root destruction and ground compaction that would occur, I do not consider that the trees could be successfully retained.

In my view, there is insufficient space between The Lodge and the property Squirrels to site a new access, without causing significant damage to the existing mature trees. A better alternative would be to have only one main access (the proposed new access in the northern part of the site) and to access The Lodge and the leisure buildings off this access. The western part of the existing driveway could be used to serve The Lodge.

It should be noted that the construction works associated with the proposed removal of the existing western part of the driveway could be damaging to the mature trees, unless techniques are used, such as hand digging, which would limit the damage to the tree roots.

The leisure buildings are of calculatedly inoffensive design in grounds of an unlisted nineteenth century villa.”

5. Representations

- 5.1 The applicant's agent has submitted a letter in support of the proposal which in summary makes the following points:
1. These buildings are existing and the only issues, we submit, are (i) are they 'worthy of retention' and (ii) if so, for what purpose should they be retained.

2. Worthy of retention: the buildings are 'worthy of retention'. The preamble to HBA12 gives weight to the positive effects of re-using a rural building in order to "make use of an existing resource and to avoid leaving existing buildings vacant and prone to dereliction and vandalism" and Policy LA1 requires that development in an AONB should be small in scale and should not adversely affect the intrinsic natural beauty of the landscape, as is clearly the case. The worst case scenario is to leave these buildings without valid use and prone to dereliction and vandalism.
3. Proposed use as a retirement dwelling: In the present application the proposed main dwelling is specifically defined as a retirement dwelling.
4. Consistency of planning decisions: Wye Lea Country Manor comprised both leisure buildings and holiday letting units as a single entity. If latter 'worthy of retention', then so also surely are the former leisure buildings.
5. Non-sustainability of existing recreational use: Full details were provided why recreational use was unsustainable and those facts, remain as before.
6. Alternative uses:
 - (a) Commercial use - would be incompatible with retirement use of holiday units.
 - (b) Community use - insufficient numbers of residents on site at Wye Lea to be viable and if extended to the wider community, would generate more traffic and require extra parking harming the amenity of the residents threatening the viability of the existing village hall.
 - (c) Use as Nursing or Residential Home: The existing buildings are limited in size (accommodation for perhaps 12 residents) far less than the 35+ required to make any such venture financially viable.
 - (d) Other Recreational Use: Requires substantial capital investment which would be unsustainable if small and incompatible with retirement homes if more substantial.
7. Advertising: estate agent has received no enquiries for the existing leisure buildings in the 12 months that he has been acting for the applicant and clear 'that every reasonable attempt has been made to secure an alternative business, recreational or community use' (UDP Policy HBA13) save more aggressive advertising campaign, especially as only feasible use is residential.
8. Sustainability: UDP Policy S1, clause 2, emphasises the importance of 'safeguarding landscape quality and visual amenity', and clause 4, emphasises the importance of 'recycling previously used resources - including previously developed ... buildings and infrastructure'. Both support this proposal. The only part of Policy S1 with which the current proposal might be at variance is clause 13 which deals with traffic movements.
9. Traffic movements: UDP Policy S6, clause 13 of S1, properly seeks to locate new developments within existing urban areas where car journeys can be minimised. Its application to re-use of buildings outside such areas would appear to be an assessment of whether or not any alternative use would be less demanding on the use of private cars. It is self-evident (i) that this proposal will

greatly reduce the number of traffic movements to and from these buildings compared with the former use and (ii) that only residential use is likely to result in a significantly reduced number of car journeys.

10. Local Opinion and Consistency: All local response to the proposal to use Wye Lea for retirement purposes appears to be entirely favourable.

In addition a Design and Access Statement has been submitted, which is summarised:

- (1) The leisure buildings are set in a landscaped park together with former holiday units and are in effect an extension of the adjoining Wye Lea House.
- (2) The access to the latter has very poor visibility and traffic tends therefore to use the former holiday centre access.
- (3) The smaller unit would be for a staff flat for a gardener.
- (4) Main entrances into both dwellings would be designed for mobility use.
- (5) Existing external materials would be retained (part rendered, part stone with plain tiled roofs) except to improve appearance (replacement of flat roofs with ridge roofs in plain tiles and removal of glass conservatory).
- (6) Smaller ground floor plan than existing; some compensating adjustments following removal of conservatory, flat-roofed porches and covered way.

5.2 Bridstow PC support this application.

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 key policies relating to conversion of rural buildings are HBA12 and HBA13. The former seeks to ensure that only permanent and substantial buildings, capable of accommodating the new use without substantial alteration or extension are converted and that the new activities are of appropriate scale and compatible with neighbouring uses. These buildings and the proposed use would meet these criteria. Policy HBA13 relates specifically to conversion for residential use. This states that "in open countryside and beyond reasonable access of urban areas, main villages and smaller settlements, residential proposals will only be supported" where at least one of 4 criteria would be met. In this case the relevant criterion is no. 1: that "there are acknowledged historical, architectural, local landscape or amenity benefits of retaining the building". The nearest such settlement to Wye Lea is about 2 km. Away. Wye Lea is not on a bus route. I consider therefore that the proposal must fall within this criterion in order to comply with Policy HBA13.

- 6.2 The criterion is equivalent to and replaces a criterion (d) of County Structure Plan Policy H20 which allows, as an exception to the proscription of new housing in the open countryside, an "environmentally- acceptable conversion of a redundant rural building which is worthy of retention" [emphasis added]. The rationale of this criterion appears to have been to preserve traditional farm buildings which no longer met the needs of agricultural enterprises. The loss of such buildings which were often of great

historical and architectural interest was harmful to the character of the countryside. The only way to secure the long term future of such buildings is to secure alternative uses and in Herefordshire the demand is predominantly for residential re-use. The benefits of retaining these buildings was held to outweigh the disbenefits of allowing new dwellings or commercial enterprises in the open countryside. Following a change in Government guidance on this issue there was encouragement for conversion of rural buildings in general for uses that benefited the rural economy. This is reflected in South Herefordshire District Local Plan policies (eg SH1A, C36, C37, ED6 and ED7). The presumption in favour of conversion did not however apply to re-use for residential purposes. The core principle underpinning current Government planning is "sustainable development" (paragraph 2 of PPS1). This adds emphasis to the Government's aim that new housing in the countryside away from established settlements should be strictly controlled (paragraph 9 (ii) of PPS7). The preamble to Policy HBA13 (Paragraph 9.6.43) stresses that the Plan is not seeking to encourage new residential development in the open countryside. Residential re-use is however encouraged in defined settlements with the benefits of reducing the demand for new building, making use of an existing resource and avoid leaving existing buildings vacant and prone to dereliction and vandalism (Paragraph 9.6.39). The latter benefits are not mentioned however in connexion with building in the open countryside. In my opinion the criterion requires that there be some positive benefits from the proposed residential conversion. However the application buildings are not of architectural or historical interest that make their retention visually important. The main thrust of the applicant's case is that there would be negative consequences from not allowing conversion. I do not think that this would constitute an acknowledged local landscape or amenity benefit. The proposal would not therefore comply with Policy HBA13.

- 6.3 The appellant's agent considers that the strongest argument in favour of granting planning permission is that refusal would be inconsistent with the approvals already given for the same use of the former holiday letting units (paragraphs 4 and 14 of his letter of application). The former holiday units are either purpose-built residential units or were converted for this purpose. Their occupation was controlled by planning conditions to use for holiday purposes. The grant of permission referred to by the agent was therefore primarily for variation of these conditions. Furthermore Annex A of PPS7 points out that dwellings "in the countryside with an occupancy condition attached should not be kept vacant...by virtue of planning conditions restricting occupancy which have outlived their usefulness". No comparable advice is given regarding non-residential rural buildings. An analogous case to Wye Lea would be a redundant farm complex comprising a farmhouse with an agricultural occupancy condition and range of farm buildings. Removing the occupancy condition would not prejudice the Council's decision on conversion of the farm buildings to dwellings. The refusal of permission for conversion of leisure buildings is not therefore inconsistent with permission for the retirement dwellings.
- 6.4 In a sustainable location (such as one of the larger settlements) it may be preferable to re-use an existing building rather than build a new one and this is acknowledged in paragraph 9.6.39 (preamble to Policy HBA13). In other locations where new house building is strongly resisted, residential conversion would not outweigh the disbenefits arising from limited public transport and the likelihood that the private car would be used for almost all journeys. The site is "brownfield land" according to the Government's definition in Annex B of PPG3. Nevertheless "there is no presumption that land that is previously developed is necessarily suitable for housing development". UDP Policy H14 encourages the re-use of previously developed land and buildings for

residential purposes but this will be strictly controlled in the open countryside under the terms of Policy H7 (and hence of HBA13) (paragraph 5.6.9).

- 6.5 The smaller unit would be used for staff accommodation. An earlier proposal for a new house for a manager (SE2002/0327/F), with extra holiday units, was dismissed on appeal. If there was a case for maintenance staff living on site this could be accommodated in one of the existing units. Indeed the existing manager’s house is not restricted by occupancy condition.
- 6.6 The Council’s current policy (HBA13 and Supplementary Planning Guidance : Re-use and Adaptation of Rural Buildings (July 2004) paragraphs 4.22-4.25) requires market testing for all potential residential conversions. The advice of the applicant’s estate agents is appreciated nevertheless these buildings have not been marketed in their own right, only as part of a much larger package (a retirement centre)

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The Council is not satisfied that these modern buildings are worthy of retention or that there are acknowledged benefits of retaining the building or that they would meet local housing or rural business needs. In view of the isolated location of these buildings it is considered that the new dwellings would not be sustainable. As a consequence the proposal would not comply with Policies HBA12, HBA13, LA1 and S1, S6 and DR2 of Herefordshire Unitary Development Plan (Revised Deposit Draft).**
- 2 The buildings have not been marketed for commercial use other than as part of the former holiday centre and the Council is not satisfied that every reasonable attempt has been made to secure an alternative business, recreational and community use or that such development uses are not acceptable, practical or beneficial. The proposal conflicts therefore with Policy HBA13 of Herefordshire Unitary Development Plan (Revised Deposit Draft).**
- 3. The proposed access drives and associated engineering works would be likely to cause significant damage requiring the removal of a number of mature trees within Wye Lea which would detract from the visual amenity of the area which is within the Wye Valley Area of Outstanding Natural Beauty and conflict with Policies LA1 and LA5 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

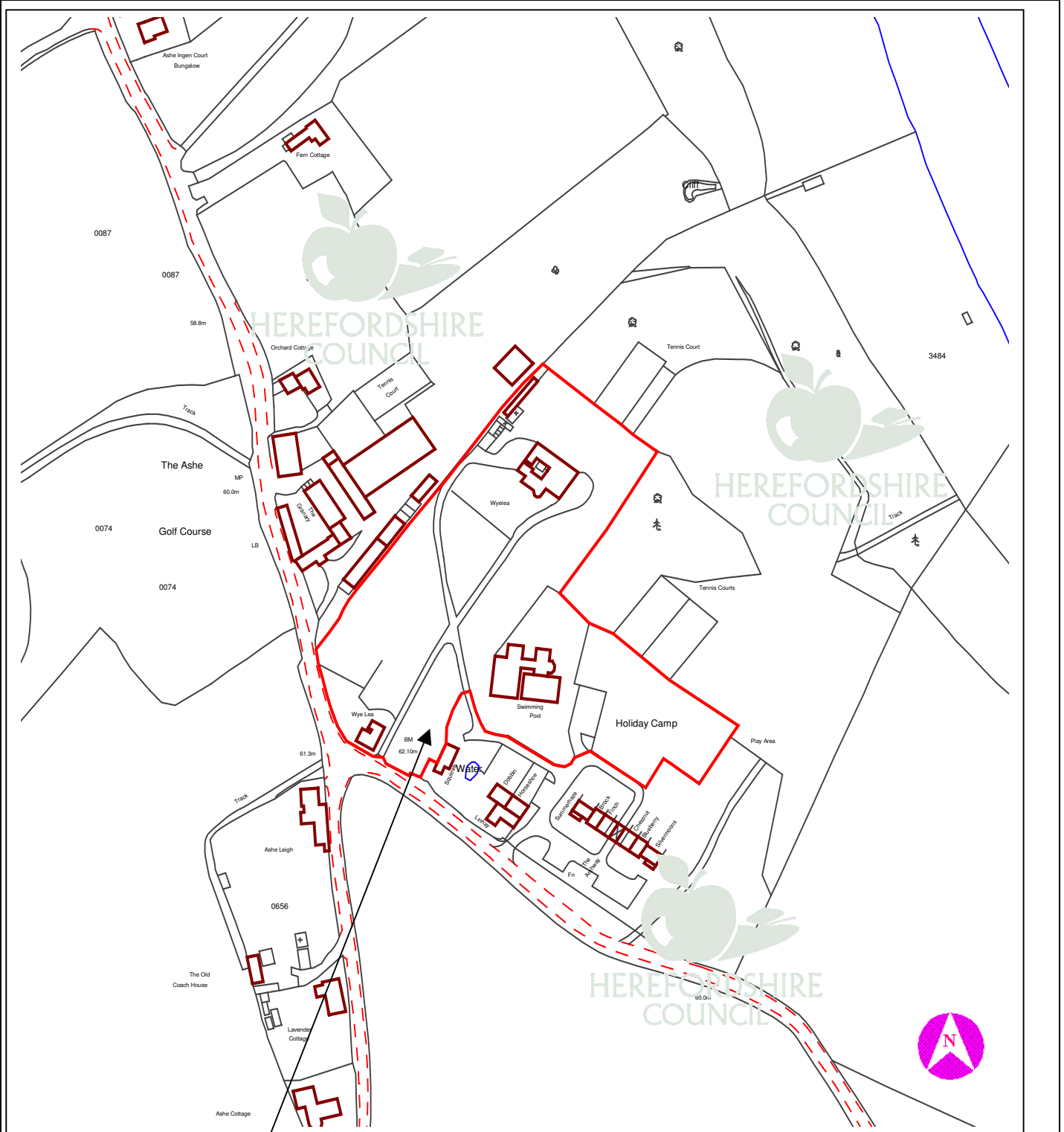
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0052/F

SCALE : 1 : 2500

SITE ADDRESS : Wye Lea Country Manor, Bridstow, Ross-on-Wye, Herefordshire, HR9 6PZ

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